

12/6

D  
6495 b 57

THE  
T R I A L  
OF THE  
*REV. WILLIAM JACKSON,*  
K.  
AT THE  
BAR OF THE KING'S BENCH IN IRELAND,  
FOR  
HIGH TREASON,

ON THURSDAY THE 23D OF APRIL, 1795.

---

BY WILLIAM SAMPSON, ESQ.  
ASSISTANT COUNSEL TO THE PRISONER.

---

D U B L I N:

PRINTED FOR P. BYRNE, NO. 108, GRAFTON-STREET, AND  
H. FITZPATRICK, NO. 2. UPPER ORMOND-QUAY.

---

1795.





THE Editor of this Report, convinced that a fair and accurate narrative of the Proceedings in the cause, must not only be interesting to the readers of the hour, but afford an important document to the future compiler of the history of this country and these times, has undertaken the Publication of it chiefly from that motive. He had been employed as an assistant Counsel on behalf of the Prisoner, for whose use these Notes were at first intended; the melancholy catastrophe of that Gentleman's life has rendered them useless in that view, to the Public he hopes, they may not be altogether so.

He has omitted nothing which appeared to him in the least degree worthy of attention. He has had no communication with authority, nor even with his friends upon the subject. He has been much hurried in the transcription of his Notes, and feels himself bound to apologise to the counsel concerned on the one hand and the other, particularly to Mr. CURRAN and Mr. PONSONBY, for the injustice done to many passages of eloquence in their able and ingenious defence.



ON the 28th of April, 1794, the Rev. WILLIAM JACKSON was arrested, and committed to prison under the following warrant of the Lord Chief Justice of the King's Bench in Ireland.

*" To the Keeper of his Majesty's gaol of Newgate, in the county of the city of Dublin.*

" I send you the body of the Rev. William Jackson, now of the city of Dublin, and late of London, Clerk, who stands charged upon oath before me of being guilty of high treason, in adhering to the King's enemies, and aiding them to levy war against his Majesty. These are therefore, in his Majesty's name to command you, that immediately upon sight hereof, you receive the said William Jackson into your custody, and him safely keep in his Majesty's said gaol of Newgate, until he shall be thence delivered by due course of law. Dated this 28th April, 1794.

" (Copy)

" CLONMELL."

*Tresham Gregg,  
Keeper of Newgate.*

---

2nd June, 1794.

*The following is a Correct Abstract of the Orders, previous to the trial.*

The KING } UPON motion of L. M'Nally, of  
against } Counsel for the prisoner, and upon read-  
JACKSON. } ing the affidavits of E. C. Keane, the  
Defendant's Attorney, and the notice served upon the  
Attorney General, the Attorney General appearing in  
Court and consenting thereto, it was ordered by the  
Court, that E. C. Keane, the prisoner's Agent, should  
have at all reasonable times free access to, and communi-  
cation with the said William Jackson, for the purpose of  
receiving his instructions, the better preparing for and  
making his defence on a charge of High Treason, upon  
which said William Jackson now stands committed to  
his Majesty's gaol of New Prison, in the county of the  
city of Dublin.

SAME

23d June, 1794.

*SAME* } UPON motion of Mr. Solicitor General,  
*against* } Ordered, that the Indictment in this Cause, for  
*SAME.* } High Treason, be forthwith sent up to the  
 Grand Jury for the county of the city of Dublin, which  
 was accordingly done, and found by the following Grand  
 Jurors :

- |                        |                      |
|------------------------|----------------------|
| 1 Henry Gore Sankey,   | 13 John Norton,      |
| 2 William Worthington, | 14 Simon Verschoyle, |
| 3 Samuel Read,         | 15 Andrew Callage,   |
| 4 John Sutton,         | 16 Henry Clements,   |
| 5 Thomas Tweedy,       | 17 Hugh Cochran,     |
| 6 Charles Thorpe,      | 18 William Stamer,   |
| 7 Richard Manders,     | 19 Samuel Tyndall,   |
| 8 John Sankey,         | 20 George Armstrong, |
| 9 William Thompson,    | 21 Charles Williams, |
| 10 James Vance,        | 22 Isaac Manders,    |
| 11 Joseph Dickinson,   | 23 Joshua Manders.   |
| 12 Benjamin Gault,     |                      |

26th June, 1794.

*SAME* } UPON motion of the Attorney General,  
*against* } Ordered, that the Defendant be brought up to  
*SAME.* } the bar of this Court on Monday next, to  
 plead to the Indictment found by the Grand Jury  
 against him, he having been served with an attested copy  
 of said Indictment, pursuant to the statute.

Same day.

*SAME* } UPON motion of Mr. Curran, of Counsel  
*against* } with the Defendant, and by the consent of the  
*SAME.* } Attorney General, Ordered, that George Pon-  
 sonby, and John Philpot Curran, Esqrs. be assigned as  
 Counsel for the Defendant in this cause.

30th June.

*SAME* } THE Prisoner brought up to the bar, in  
*against* } the custody of the Sheriffs of the city of Dub-  
*SAME.* } lin, pursuant to the order of the 26th of June  
 inst. Whereupon the Attorney General moved the Court,  
 that the prisoner should be arraigned, which being di-  
 rected by the Court, and done accordingly, the prisoner  
 thereupon pleaded *Not Guilty*.

Same





*Same day.*

*SAME* } UPON motion of the Attorney General,  
*against* } Ordered, that the prisoner be tried at the bar  
*SAME.* } of this Court, on Friday the 7th day of No-  
vember next, till which day he is remanded.

---

*7th November, 1794.*

*SAME* } THE Prisoner brought up to be tried, but  
*against* } on motion of Mr. Curran, and on reading  
*SAME.* } the affidavits of prisoner, Elizabeth Jackson,  
and E. C. Keane, Ordered, that the trial be postponed  
till 26th January, 1795.

---

*26th January, 1795.*

*SAME* } THE Prisoner brought up to the Bar, and  
*against* } declared himself ready for his trial.  
*SAME.* } The Attorney General moved to postpone  
the trial to some day in this Term, on the Affidavit of  
Thomas Kemmis, Esq. Crown-Solicitor.—On hearing  
Mr. Curran, and Mr. Ponsonby, Counsel for the prisoner,  
and on reading prisoner's and Luke Naylor's Affidavits,  
ordered that the trial be postponed until the 23d of April  
next, and the prisoner was remanded.



---

# KING'S BENCH.

---

## THE KING

AGAINST

THE REV. WILLIAM JACKSON.

---

### INDICTMENT

FOUND THE 23D OF JUNE, 1794.

*County of the City of Dublin, to wit.* } “THE Jurors for our Lord the King upon their oath, present  
“that an open and public war, on the third day of April,  
“in the thirty-fourth year of the reign of our Lord George  
“the Third, by the grace of God, of Great-Britain, France  
“and Ireland King, Defender of the Faith and so forth,  
“and long before and ever since hitherto by land and by  
“sea, was and yet is carried on and prosecuted, by the per-  
“sons exercising the powers of government in France, against  
“our most serene illustrious and excellent Prince, our said  
“Lord the King.

“And that William Jackson, late of the parish of Saint  
“Andrew, in the city of Dublin, and county of the said  
“city, Clerk, a subject of our said Lord the King, of his  
“kingdom of Ireland, well knowing the premises, but not  
“having the fear of God in his heart, nor weighing the  
“duty of his allegiance, and being moved and seduced by  
“the instigation of the Devil, as a false traitor against our  
“said Lord the now King, his supreme, true, lawful and  
“undoubted Lord, the cordial love and true and due obe-  
“dience, which every true and dutiful subject of our said  
“present Sovereign Lord the King, towards him our said  
“Lord the King should bear, wholly withdrawing, and con-  
“triving, and with all his strength intending the peace and  
“common tranquillity of this kingdom of Ireland to dis-  
“quiet, molest and disturb, and the government of our said  
“present Sovereign Lord the King, of this kingdom of Ire-  
“land, to change, subvert and alter, and our said Lord the  
“King,

B

" King, from the royal state, title, honour, power, imperial  
 " crown and government of this his kingdom of Ireland,  
 " to depose and deprive, and our said Lord the present King  
 " to death and final destruction to bring and put, he the said  
 " William Jackson on the said third day of April, in the  
 " said thirty-fourth year of the reign of our said Lord the  
 " King, and on divers other days and times, as well before  
 " as after that day, at the parish of Saint Andrew aforesaid,  
 " in the city of Dublin aforesaid, and county of the said  
 " city, with force and arms, falsely, wickedly and traito-  
 " rously did compass, imagine and intend the said Lord the  
 " King, then and there his supreme, true and lawful Lord,  
 " of and from the royal state, crown, title, power and go-  
 " vernment of this his realm of Ireland to depose, and  
 " wholly deprive, and the same Lord the King to kill, and  
 " bring and put to death.

" And that to fulfil, perfect and bring to effect his most  
 " evil and wicked treason and treasonable imaginations and  
 " compassings aforesaid, he the said William Jackson, as  
 " such false traitor as aforesaid, during the said war between  
 " our said Lord the King, and the said persons exercising  
 " the powers of government in France, to wit, on the said  
 " third day of April, in the thirty-fourth year aforesaid,  
 " at the parish of Saint Andrew aforesaid, in the city and  
 " county of the city of Dublin aforesaid, with force and  
 " arms, falsely, maliciously, and traitorously did come to,  
 " and land in this kingdom of Ireland, (that is to say) at  
 " Dublin aforesaid, for the purpose of procuring and ob-  
 " taining information, and accounts of and concerning  
 " the situation and dispositions of the subjects of our said  
 " Lord the King, of his kingdom of Ireland, and of send-  
 " ing and causing to be sent such information and accounts,  
 " to the said persons exercising the powers of government  
 " in France, and being enemies of our said Lord the King,  
 " as aforesaid, with intent to aid and assist the said enemies  
 " of our said Lord the King, against our said Lord the King  
 " in the war, as aforesaid.

" And that afterwards, and during the said war between  
 " our said Lord the King and the said persons exercising  
 " the powers of government in France, to wit, on the  
 " twenty first day of April, in the said thirty-fourth year  
 " of the reign of our said Lord the King, and on divers  
 " other days as well before as after that day, with force  
 " and arms, at the parish of Saint Andrew aforesaid, in the  
 " city and county of the city of Dublin aforesaid, the said  
 " William Jackson, as such false traitor as aforesaid, in  
 " further prosecution of his treason and treasonable pur-  
 " poses aforesaid, did, with divers other false traitors, whose  
 " names are to the said Jurors unknown, falsely, wickedly  
 " and traitorously meet, purpose, consult, conspire, confe-  
 " derate





derate and agree to raise, levy and make insurrection, rebellion and war within this kingdom of Ireland, against our said Lord the King, and to cause, procure and incite the said persons exercising the powers of government in France, being enemies of our said Lord the King, as aforesaid, to invade this kingdom of Ireland, with ships and armed men, and to carry on the said war against our said Lord the King within this kingdom of Ireland.

“ And that, during the said war between our said Lord the King and the said persons exercising the powers of government in France, to wit, on the said twenty-first day of April, in the thirty-fourth year aforesaid, at the parish of Saint Andrew aforesaid, in the city and county of the city of Dublin aforesaid, the said William Jackson, as such false traitor as aforesaid, and in further prosecution of his treason and treasonable purposes aforesaid, with force and arms, falsely, wickedly and traitorously did incite, exhort and counsel, and as far as in him lay, endeavour to move and persuade one Theobald Wolfe Tone, to travel and go into parts beyond the seas, to represent to the said persons exercising the powers of government in France, and being enemies of our said Lord the King as aforesaid, that divers subjects of our said Lord the King of his kingdom of Ireland, were dissatisfied with the government of our said Lord the King of his kingdom of Ireland, and to incite, move and persuade the said persons exercising the powers of government in France, and being enemies of our said Lord the King, to invade this kingdom of Ireland, and to raise and make war *therein* against our said Lord the King.

“ And that during the said war between our said Lord the King and the said persons exercising the powers of government in France, to wit, on the same day and year last aforesaid, and on divers other days, as well before as after the said last mentioned day, at the parish of Saint Andrew, aforesaid, in the city and county of the city of Dublin aforesaid; the said William Jackson, as such false traitor as aforesaid, in further prosecution of his treason and treasonable purposes, with force and arms, falsely, wickedly and traitorously did consult, combine, conspire, confederate and agree with divers other persons, whose names are to the said Jurors unknown, to procure and provide a person to travel and go into parts beyond the seas, to represent to the said persons exercising the powers of government in France, and being enemies of our said Lord the King, as aforesaid, that divers subjects of our said Lord the King of his kingdom of Ireland, were dissatisfied with the government of our said Lord the King of his kingdom of Ireland, and to incite, move

“ and persuade the said persons exercising the powers of  
 “ government in France, and being enemies of our said  
 “ Lord the King, to invade this kingdom of Ireland, and  
 “ to raise and make war therein against our said Lord the  
 “ King.

“ And that during the said war between our said Lord  
 “ the King, and the said persons exercising the powers of  
 “ government in France, to wit, on the same day and year  
 “ last aforesaid, and on divers other days as well before the  
 “ said last mentioned day, as after, at the parish of Saint  
 “ Andrew aforesaid, in the city and county of the city of  
 “ Dublin aforesaid, the said William Jackson, as such false  
 “ traitor as aforesaid, in further prosecution of his treason  
 “ and treasonable purposes aforesaid, with force and arms,  
 “ falsely, wickedly and traitorously did meet, consult, com-  
 “ bine, conspire, confederate and agree with divers other  
 “ persons, whose names are to the said Jurors unknown,  
 “ that some person should be sent into France, to notify and  
 “ reveal to the said persons exercising the powers of govern-  
 “ ment in France, (then and yet enemies of our said Lord  
 “ the King) the state circumstances and condition of this  
 “ his kingdom of Ireland, and the dispositions and inclina-  
 “ tions of our said Lord the King’s subjects therein, and to  
 “ treat and negotiate with, and to incite, stir up and encour-  
 “ rage the said persons exercising the powers of government  
 “ in France, then and yet enemies of our said Lord the  
 “ King as aforesaid, to invade this kingdom of Ireland, and  
 “ to change alter and subvert the government of our said  
 “ Lord the King, of his said kingdom of Ireland.

“ And that during the said war between our said Lord  
 “ the King and the said persons exercising the powers of  
 “ government in France, to wit, on the said twenty-first  
 “ day of April, in the thirty-fourth year aforesaid, at the  
 “ parish of Saint Andrew aforesaid, in the city and county  
 “ of Dublin aforesaid; he the said William Jackson, as such  
 “ false traitor as aforesaid, in prosecution of his said  
 “ treason and treasonable purposes aforesaid, with force and  
 “ arms, falsely, wickedly and traitorously did compose and  
 “ write, and cause to be composed and written, a certain  
 “ letter to be sent to one William Stone in London, in the  
 “ kingdom of Great-Britain, and in and by the said letter  
 “ the said William Jackson, falsely, wickedly and traito-  
 “ rously did direct and instruct the said William Stone to  
 “ reveal and disclose to the said persons exercising the  
 “ powers of government in France, and to the people in  
 “ France, then and yet enemies of our said present Lord  
 “ the King, a scheme and intention of the said William  
 “ Jackson and other false traitors to our said Lord the King,  
 “ to send a person from this kingdom of Ireland, to satisfy  
 “ and

"and convince the said persons exercising the powers of  
 "government in France, so being enemies of our said Lord  
 "the King as aforesaid, of divers of his said Majesty's  
 "subjects in Ireland being ready to aid and assist the said  
 "enemies of our said Lord the King, and to treat and nego-  
 "tiate with the said persons exercising the powers of  
 "government in France, then and yet enemies of our said  
 "Lord the King, for an invasion of the said kingdom of  
 "Ireland; but that the private affairs of the person intended  
 "to be sent would not permit him to go, and therefore, he  
 "the said William Jackson would send a statement of the  
 "situation and dispositions of the inhabitants of the said  
 "kingdom of Ireland, drawn up by a certain person, to  
 "the jurors unknown, in order to be sent and delivered to  
 "the said persons exercising the powers of government in  
 "France, then and yet enemies of our said Lord the  
 "King.

"And that the said war between our said Lord the King  
 "and the said persons exercising the powers of government  
 "in France, to wit, on the twenty-fourth day of April, in  
 "the thirty-fourth year aforesaid, at the parish of Saint  
 "Andrew aforesaid, in the city and county of the city of  
 "Dublin aforesaid, the said William Jackson, as such false  
 "traitor as aforesaid, and in further prosecution of his  
 "treason and treasonable purposes aforesaid, with force and  
 "arms, falsely, maliciously and treasonably did compose  
 "and write, and caused to be composed and written, a  
 "certain other letter to be sent to the said William Stone in  
 "London, in the kingdom of Great-Britain, requesting the  
 "said William Stone to cause and procure to be notified  
 "and declared to a certain person, then being in foreign  
 "parts beyond the seas, but whose name is to the said Jurors  
 "unknown, that a statement of the situation and disposi-  
 "tion of divers of the subjects of our said Lord the King,  
 "of his kingdom of Ireland, would be forthwith sent by  
 "him, the said William Jackson, to be communicated to  
 "the said persons exercising the powers of government in  
 "France, and being enemies of our said Lord the King,  
 "to convince them of the readiness of such last mentioned  
 "subjects of our said Lord the King, to aid and assist the  
 "said enemies of our said Lord the King in an invasion of  
 "this kingdom of Ireland.

"And that during the said war between our said Lord  
 "the King and the said persons exercising the powers of  
 "government in France, to wit, on the same day and year  
 "last aforesaid, at the parish of Saint Andrew aforesaid,  
 "in the city and county of the city of Dublin aforesaid, the  
 "said William Jackson, as such false traitor as aforesaid,  
 "and in further prosecution of his treason and treasonable  
 purposes



“ purposes aforesaid, with force and arms, falsely, wickedly  
 “ and traitorously delivered and caused and procured to be  
 “ delivered, the said letters into the office of the Post at  
 “ Dublin aforesaid, to be from the said office conveyed and  
 “ delivered to the said William Stone.

“ And that during the said war between our said Lord  
 “ the King and the said persons exercising the powers of  
 “ government in France, to wit, on the same day and year last  
 “ aforesaid, at the parish of Saint Andrew aforesaid, in the  
 “ city and county of the city of Dublin aforesaid, the said  
 “ William Jackson, as such false traitor as aforesaid, and in  
 “ further prosecution of his treason and treasonable purposes  
 “ aforesaid, with force and arms, falsely, maliciously and  
 “ traitorously did compose and write, and cause and procure  
 “ to be composed and written, a certain other letter to be  
 “ sent to one Benjamin Beresford, in foreign parts beyond  
 “ the seas, requesting the said Benjamin Beresford to inform  
 “ a certain other person, then also being in foreign parts  
 “ beyond the seas, but whose name is to the said Jurors un-  
 “ known, that an account of the situation and dispositions  
 “ of divers of the subjects of our said Lord the King of his  
 “ kingdom of Ireland, was sent for the said last mentioned  
 “ person unknown, to be communicated to the said persons  
 “ exercising the powers of government in France, and being  
 “ enemies of our said Lord the King as aforesaid.

“ And that afterwards, and during the said war between  
 “ our said Lord the King and the said persons exercising  
 “ the powers of government in France, to wit, on the same  
 “ day and year last aforesaid, at the parish of Saint Andrew  
 “ aforesaid, in the city and county of the city of Dublin  
 “ aforesaid, the said William Jackson, as such false traitor  
 “ as aforesaid, and in further prosecution of his treason and  
 “ treasonable purposes aforesaid, with force and arms, false-  
 “ ly, wickedly, and traitorously delivered and caused  
 “ and procured to be delivered the said last mentioned  
 “ letter into the said office of the Post at Dublin aforesaid,  
 “ to be from the said office conveyed and delivered to the  
 “ said Benjamin Beresford.

“ And that during the said war between our said Lord the  
 “ King and the said persons exercising the powers of government  
 “ France, to wit, on the same day and year last aforesaid;  
 “ at the parish of Saint Andrew aforesaid, in the city and  
 “ county of the city of Dublin aforesaid the said William  
 “ Jackson, as such false traitor as aforesaid, and in further  
 “ prosecution of his treason and treasonable purposes afore-  
 “ said, with force and arms, falsely, maliciously and trai-  
 “ torously did compose and write, and caused and procured  
 “ to be composed and written, divers accounts and instruc-  
 “ tions in writing, to publish and declare to the said persons  
 “ exercising



“ exercising the powers of government in France; and being  
 “ enemies of our said Lord the King, for the purpose of  
 “ inciting the said persons to invade this kingdom of Ire-  
 “ land, and to raise and make war therein against our said  
 “ Lord the King, divers matters and things of and concern-  
 “ ing the people of this kingdom of Ireland; and among  
 “ other things, that the Dissenters were steady Republicans,  
 “ devoted to liberty, and through all the stages of the French  
 “ revolution, had been enthusiastically attached to it:—That  
 “ the peasantry of Ireland manifested a degree of discontent  
 “ by various insurrections:—That there was no where a  
 “ higher spirit of aristocracy than in all the privileged orders,  
 “ the clergy and gentry of Ireland, down to the very lowest,  
 “ to countervail which there appeared a spirit rising in the  
 “ people which never existed before, but which was spread-  
 “ ing most rapidly, as appeared by the Defenders, as they were  
 “ called, and other insurgents:—That in Ireland the name  
 “ of England and her power was universally odious, save  
 “ with those who had an interest in maintaining it, a body  
 “ however, only formidable from situation and property,  
 “ but which the first convulsion would level in the dust:—  
 “ That on the contrary, the great bulk of the people (mean-  
 “ ing the people of Ireland) would be ready to throw of the  
 “ yoke (meaning the government of our said Lord the King  
 “ in that country) if they saw any force sufficiently strong  
 “ to resort to for defence, till arrangements could be made:  
 “ —That the government of Ireland was only to be looked  
 “ upon as a government of force:—That the moment a su-  
 “ perior force appeared, it would tumble at once, as being  
 “ founded neither in the interests nor in the affections of the  
 “ people:—That there seemed little doubt but an invasion  
 “ (meaning an invasion of Ireland) by the said enemies of  
 “ our said Lord the King in sufficient force would be sup-  
 “ ported by the people (meaning the people of Ireland) and  
 “ that the militia (meaning the militia of Ireland) would to  
 “ a moral certainty refuse to act, if they should see such a  
 “ force as they could look to for support.

“ And also that the said William Jackson, as such false  
 “ traitor as aforesaid, during the said war between our said  
 “ Lord the King and the said persons exercising the powers  
 “ of government in France, to wit, on the same same day  
 “ and year last aforesaid, at the parish of Saint Andrew afore-  
 “ said, in the city and county of the city of Dublin aforesaid,  
 “ in further prosecution of his treason and treasonable pur-  
 “ poses aforesaid, with force and arms, did falsely, wickedly  
 “ and traitorously compose and write, and cause and procure  
 “ to be composed and written, divers other accounts and  
 “ instructions in writing, of and concerning the people of  
 “ this kingdom of Ireland, to incite, move and persuade  
 “ the

“ the said persons exercising the powers of government in  
 “ France, and being enemies of our said Lord the King as  
 “ aforesaid, to invade this kingdom of Ireland, and to raise  
 “ and make war therein against our said Lord the King : all  
 “ which said accounts and instructions in writing, herein be-  
 “ fore mentioned to have been written and composed, and  
 “ caused and procured to be written and composed by the  
 “ said William Jackson ; he the said William Jackson, as  
 “ such false traitor as aforesaid, and in further prosecution  
 “ of his treason and treasonable purposes aforesaid, after-  
 “ wards and during the said war between our said Lord the  
 “ King and the said persons exercising the powers of govern-  
 “ ment in France, to wit, on the same day and year last  
 “ aforesaid, at the parish of Saint Andrew aforesaid, in the  
 “ city and county of the city of Dublin aforesaid, with  
 “ force and arms, falsely, wickedly and traitorously deliver-  
 “ ed, and caused and procured to be delivered into the said  
 “ office of the Post at Dublin aforesaid, to be from thence  
 “ conveyed into foreign parts beyond the seas, and there, to  
 “ wit, in foreign parts beyond the seas, to be delivered to  
 “ certain persons on the behalf and for the use of the said  
 “ persons exercising the powers of government in France,  
 “ and enemies of our said Lord the King as aforesaid, for  
 “ the information, encouragement, aid and assistance of  
 “ the said persons exercising the powers of government in  
 “ France, and being enemies of our said Lord the King as  
 “ aforesaid.

“ And that during the said war between our said Lord the  
 “ King, and the said persons exercising the powers of go-  
 “ vernment in France, to wit, on the same day and year last  
 “ aforesaid, at the parish aforesaid, in the city and county  
 “ of the city of Dublin aforesaid, the said William Jackson,  
 “ as such false traitor as aforesaid, and in further prosecuti-  
 “ on of his treason and treasonable purposes aforesaid, with  
 “ force and arms, falsely, wickedly and traitorously deliver-  
 “ ed, and caused and procured to be delivered into the said  
 “ office of the post at Dublin aforesaid, to be from thence  
 “ conveyed into foreign parts beyond the seas, and delivered  
 “ to the said persons exercising the powers of Government  
 “ in France, and being enemies of our said Lord the King  
 “ as aforesaid, for the purpose of inciting the said persons  
 “ to invade this kingdom of Ireland, and to raise and make  
 “ war therein against our said Lord the King, divers other  
 “ accounts and instructions in writing of and concerning the  
 “ people of this kingdom of Ireland, whereof he the said  
 “ William Jackson then and there well knew the contents,  
 “ purporting and containing therein amongst other things,  
 “ that the Dissenters were steady Republicans, devoted to  
 “ liberty, and though all the stages of the French Revolu-  
 “ tion

" tion had been enthusiastically attached to it:—that the peasantry of Ireland manifested a degree of discontent by various insurrections:—that there was no where a higher spirit of aristocracy than in all the privileged orders, the clergy and gentry of Ireland, down to the very lowest, to counter-vail which there appeared a spirit rising in the people which never existed before; but which was spreading most rapidly, as appeared by the Defenders, as they were called, and other insurgents.—That in Ireland the name of England and her power was universally odious, save with those who had an interest in maintaining it, a body however only formidable from situation and property; but which the first convulsion would level in the dust:—that on the contrary, the great bulk of the people (meaning the people of Ireland) would be ready to throw off the yoke, if they saw any force sufficiently strong to resort to for defence, till arrangements could be made:—that the government of Ireland was only only to be looked on as a government of force,—that the moment a superior force appeared it would tumble at once, as being founded neither in the interests nor in the affections of the people: that there seemed little doubt but an invasion (meaning an invasion of Ireland) by the said enemies of our said Lord the King, in sufficient force, would be supported by the people (meaning the people of Ireland) that there was scarcely any army in the country (meaning Ireland) and that the militia (meaning the militia of Ireland) would to a moral certainty refuse to act, if they should see such a force as they could look to for support.

" And also that the said William Jackson, as such false traitor as aforesaid, during the said war between our said Lord the King, and the said persons exercising the powers of government in France, to wit, on the same day and year last aforesaid, at the parish of Saint Andrew aforesaid, in the city and county of the city of Dublin aforesaid, in further prosecution of his treason and treasonable purposes aforesaid, with force and arms, falsely, wickedly and traitorously delivered, and caused and procured to be delivered, into the said office of the Post at Dublin aforesaid, to be from thence conveyed into foreign parts beyond the seas, and delivered to the said persons exercising the powers of government in France, and being enemies of our said Lord the King, as aforesaid, divers other accounts and instructions in writing, of and concerning the people of this kingdom of Ireland, whereof he the said William Jackson then and their well knew the contents, to incite, move and persuade the said persons exercising the powers of government in France, and be-



"ing enemies of our said Lord the King as aforesaid, to in-  
 "vade this kingdom of Ireland, and to raise and make war  
 "therein against our said Lord the King, against the duty  
 "of the allegiance of him the said William Jackson, against  
 "the peace of our said Lord the King, his crown and dig-  
 "nity, and contrary to the form of the statute in such case  
 "made and provided.

"And the said Jurors of our said Sovereign Lord the  
 "King, upon their oath further present, that an open and  
 "public war on the said third day of April, in the thirty-  
 "fourth year of the reign of our said Sovereign Lord George  
 "the Third, by the grace of God, of Great Britain, France  
 "and Ireland King, Defender of the faith, and so-forth, and  
 "long before and ever since hitherto, by land and by sea,  
 "was and yet is carried on and prosecuted by the said per-  
 "sons exercising the powers of government in France, a-  
 "gainst our most serene, illustrious and excellent prince,  
 "our said Lord the now King, and that the said William  
 "Jackson, a subject of our said Lord the King, of his  
 "kingdom of Ireland, well knowing the premises, not  
 "having the fear of God in his heart, nor weighing the duty  
 "of his allegiance, but being moved and seduced by the in-  
 "stigation of the Devil, as a false traitor against our most  
 "serene, illustrious and excellent Prince, George the third,  
 "now King of Ireland, and so-forth, and contriving, and  
 "with all his strength intending the peace and common  
 "tranquillity of this kingdom of Ireland to disquiet, mo-  
 "lest and disturb, and the government of our said present  
 "Sovereign Lord the King of this kingdom of Ireland to  
 "change, subvert and alter, he the said William Jackson  
 "during the war aforesaid, to wit, on the said third day of  
 "April, in the thirty-fourth year aforesaid, and on divers  
 "other days and times as well before as after that day, with  
 "force and arms at the said parish of Saint Andrew, in the  
 "city of Dublin aforesaid, and county of the same city, un-  
 "lawfully and traitorously was adhering, aiding, and comfort-  
 "ing the same persons exercising the powers of government  
 "in France, and then being enemies of our said present So-  
 "vereign Lord the King, as aforesaid.

"And that in the prosecution, performance and executi-  
 "on of the said traitorous adhering of the said William  
 "Jackson, to the said persons exercising the powers of go-  
 "vernment in France, then being enemies of our said Lord  
 "the present King, afterwards and during the said war between  
 "our said Lord the King and the said persons exercising the  
 "powers of government in France, to wit, on the said third  
 "day of April, in the thirty-fourth year aforesaid, at the pa-  
 "rish of Saint Andrew aforesaid, in the city and county of  
 "the



“ the city of Dublin aforesaid, the said William Jackson,  
 “ as such false traitor as aforesaid, with force and arms,  
 “ falsely, maliciously and traitorously did come to, and land  
 “ in this kingdom of Ireland, that is, to say at Dublin  
 “ aforesaid, for the purpose of procuring and obtaining in-  
 “ formation and accounts of and concerning the situation  
 “ and dispositions of the subjects of our said Lord the King,  
 “ of his kingdom of Ireland, and of sending and causing to  
 “ be sent such information and accounts to the said persons  
 “ exercising the powers of government in France, and being  
 “ enemies of our said Lord the King as aforesaid, with an  
 “ intent to aid and assist the said enemies of our said Lord the  
 “ King, against our said Lord the King in the war afore-  
 “ said.

“ And afterwards and during that war between our said  
 “ Lord the King and the said persons exercising the powers  
 “ of government in France, to wit, on the twenty-first day  
 “ of April, in the said thirty-fourth year of the reign of  
 “ our said Lord the King, and on divers other days, as  
 “ well before as after that day, with force and arms, at the  
 “ parish of Saint Andrew aforesaid, in the city and county  
 “ of the city of Dublin aforesaid, the said William Jack-  
 “ son, as such false traitor as aforesaid, in further prosecu-  
 “ tion, performance and execution of his said last mentioned  
 “ treason, and treasonable adhering and purposes, did with  
 “ divers other false traitors, whose names are to the said  
 “ Jurors unknown, falsely, wickedly and traitorously meet,  
 “ propose, consult, conspire, confederate and agree to raise,  
 “ levy and make insurrection, rebellion and war within  
 “ this kingdom of Ireland, against our said Lord the King,  
 “ and to cause, procure and incite, the said persons exer-  
 “ cising the powers of government in France, being ene-  
 “ mies of our said Lord the King as aforesaid, to invade  
 “ this kingdom of Ireland with ships and armed men, and  
 “ to carry on the said war against our said Lord the King  
 “ within this kingdom of Ireland.

“ And that during the said war between our said Lord the  
 “ King and the said persons exercising the powers of go-  
 “ vernment in France, to wit, on the said twenty-first day  
 “ of April, in the thirty-fourth year aforesaid, at the parish  
 “ of Saint Andrew aforesaid, in the city and county of the  
 “ city of Dublin aforesaid, the said William Jackson, as such  
 “ false traitor as aforesaid, and in further prosecution, per-  
 “ formance and execution of his last mentioned treason and  
 “ treasonable adhering and purposes aforesaid, with force  
 “ and arms, falsely, wickedly and traitorously did incite,  
 “ exhort and counsel, and as far as in him lay, endeavour  
 “ to move and persuade the said Theobald Wolfe Tone to  
 “ travel

“ travel and go into parts beyond the seas, to represent to  
 “ the said persons exercising the powers of government in  
 “ France, and being enemies of our said Lord the King as  
 “ aforesaid, that divers subjects of our said Lord the King  
 “ of this kingdom of Ireland, were dissatisfied with the go-  
 “ vernment of our said Lord the King of his kingdom of  
 “ Ireland, and to incite, move and persuade the said persons  
 “ exercising the powers of government in France, and being  
 “ enemies of our said Lord the King, to invade this king-  
 “ dom of Ireland, and to raise and make war therein against  
 “ our said Lord the King.

“ And that during the said war between our said Lord the  
 “ King and the said persons exercising the powers of go-  
 “ vernment in France, to wit, on the same day and year  
 “ last aforesaid, and on divers other days as well before as  
 “ after the said last mentioned day, at the parish of Saint  
 “ Andrew aforesaid, in the city and county of the city of  
 “ Dublin aforesaid, the said William Jackson, as such false  
 “ traitor as aforesaid, in further prosecution, performance  
 “ and execution of his said last mentioned treason and trea-  
 “ sonable adhering and purposes aforesaid, with force and  
 “ arms, falsely, wickedly and traitorously did consult, com-  
 “ bine, conspire, confederate and agree with divers other  
 “ persons, whose names are to the said Jurors unknown,  
 “ to procure and provide a person to travel and go into  
 “ parts beyond the seas, to represent to the said persons ex-  
 “ ercising the powers of government in France, and being  
 “ enemies of our said Lord the King as aforesaid, that di-  
 “ vers subjects of our said Lord the King, of his kingdom  
 “ of Ireland, were dissatisfied with the government of our  
 “ said Lord the King, of his kingdom of Ireland, and to  
 “ incite, move and persuade the said persons exercising the  
 “ powers of government in France, and being enemies of  
 “ our said Lord the King, to invade this kingdom of Ire-  
 “ land, and to raise and make war therein against our said  
 “ Lord the King.

“ And that during the said war between our said Lord the  
 “ King and the said persons exercising the powers of go-  
 “ vernment in France, to wit, on the same day and year  
 “ last aforesaid, and on divers other days as well before the  
 “ said last mentioned day as after, at the parish of Saint  
 “ Andrew aforesaid, in the city and county of the city of  
 “ Dublin aforesaid, the said William Jackson, as such false  
 “ traitor as aforesaid, in further prosecution, performance  
 “ and execution of his said last mentioned treason and trea-  
 “ sonable adhering and purposes, with force and arms,  
 “ falsely, wickedly and traitorously did meet, consult, com-  
 “ bine, conspire, confederate and agree with divers other  
 “ persons,

“ persons, whose names are to the said Jurors unknown,  
 “ that some person should be sent into France to notify and  
 “ reveal to the said persons exercising the powers of go-  
 “ vernment in France, then and yet enemies of our said  
 “ Lord the King, the state, circumstances and condition of  
 “ this his kingdom of Ireland, and the dispositions and  
 “ inclinations of our said Lord the King’s subjects therein,  
 “ and to treat and negotiate with, to incite, stir up and  
 “ encourage the said persons exercising the powers of go-  
 “ vernment in France, then and yet enemies of our said  
 “ Lord the King as aforesaid, to invade this kingdom of  
 “ Ireland, and to change alter and subvert the government  
 “ of our said Lord the King of his said kingdom of  
 “ Ireland.

“ And that during the said war between our said Lord the  
 “ King and the said persons exercising the powers of go-  
 “ vernment in France, to wit, on the twenty-first day of  
 “ April, in the thirty-fourth year aforesaid, at the parish  
 “ of Saint Andrew aforesaid, in the city and county of the  
 “ city of Dublin aforesaid, he the said William Jackson, as  
 “ such false traitor as aforesaid, in further prosecution per-  
 “ formance and execution of his said last mentioned treason,  
 “ and treasonable adhering and purposes aforesaid, with  
 “ force and arms, falsely, wickedly and traitorously did  
 “ compose and write, and cause to be composed and written,  
 “ a certain other letter, to be sent to the said William  
 “ Stone, in London, in the kingdom of Great-Britain, and  
 “ in and by the said last mentioned letter, the said William  
 “ Jackson, falsely, wickedly and traitorously did direct and  
 “ instruct the said William Stone, to reveal and disclose to  
 “ said persons exercising the powers of government in  
 “ France, and to the people in France, then and yet enemies  
 “ of our said present Lord the King, a scheme and inten-  
 “ tion of the said William Jackson and other false traitors  
 “ to our said Lord the King, to send a person from this  
 “ kingdom of Ireland to satisfy and convince the said per-  
 “ sons exercising the powers of government in France, so  
 “ being enemies of our said Lord the King as aforesaid, of  
 “ divers of his said Majesty’s subjects in Ireland, being ready  
 “ to aid and assist the said enemies of our said Lord the  
 “ King, and to treat and negotiate with the said persons  
 “ exercising the powers of government in France, then  
 “ and yet enemies of our said Lord the King, for an inva-  
 “ sion of the said kingdom of Ireland, but that the private  
 “ affairs of the person intended to be sent would not permit  
 “ him to go, and therefore, he the said William Jackson,  
 “ would send a statement of the situation and dispositions of  
 “ the inhabitants of the said kingdom of Ireland, drawn  
 “ up



“ up by a certain person to the Jurors aforesaid unknown,  
 “ in order to be sent and delivered to said persons exercising  
 “ the powers of government in France, then and yet ene-  
 “ mies of our said Lord the King.

“ And that during the said war, between our said Lord  
 “ the King and the said persons exercising the powers of go-  
 “ vernment in France, to wit, on the twenty-fourth day of  
 “ April, in the thirty-fourth year aforesaid, at the parish  
 “ of Saint Andrew aforesaid, in the city and county of the  
 “ city of Dublin aforesaid, the said William Jackson, as  
 “ such false traitor as aforesaid, and in further prosecution,  
 “ performance and execution of his said last mentioned trea-  
 “ son, and treasonable adhering and purposes aforesaid,  
 “ with force and arms, falsely, maliciously and traitorously  
 “ did compose and write, and cause to be composed and  
 “ written, a certain other Letter, to be sent to the said  
 “ William Stone, in London, in the kingdom of Great-  
 “ Britain, requesting the said William Stone to cause and  
 “ procure to be notified and declared, to a certain person,  
 “ then being in foreign parts beyond the seas, but whose  
 “ name is to the said Jurors unknown, that a statement of  
 “ the situation and dispositions of divers of the subjects of  
 “ our said Lord the King of his kingdom of Ireland would  
 “ be forthwith sent by him, the said William Jackson, to  
 “ be communicated to the said persons exercising the  
 “ powers of government in France, and being enemies of  
 “ our said Lord the King as aforesaid, to convince them  
 “ of the readiness of such last mentioned subjects of our  
 “ said Lord the King, to aid and assist the said enemies of  
 “ our said Lord the King, in an invasion of this kingdom  
 “ of Ireland.

“ And that during the said war between our said Lord  
 “ the king and the said persons exercising the powers of  
 “ government in France, to wit, on the same day and year  
 “ last aforesaid, at the parish of Saint Andrew aforesaid, in  
 “ the city and county of the city of Dublin aforesaid, the  
 “ said William Jackson, as such false traitor as aforesaid,  
 “ and in further prosecution, performance and execution  
 “ of his said last mentioned treason and treasonable adher-  
 “ ing and purposes, with force and arms, falsely, wickedly  
 “ and traitorously delivered, and caused and procured to  
 “ be delivered the said last mentioned letters into the office  
 “ of the Post at Dublin aforesaid, to be from the said office  
 “ conveyed and delivered to the said William Stone.

“ And that during the said war between our said Lord  
 “ the King and the said persons exercising the powers of  
 “ government in France, to wit, on the same day and year  
 “ last aforesaid, at the parish of Saint Andrew aforesaid,  
 “ in



“ in the city and county of the city of Dublin aforesaid,  
 “ the said William Jackson, as such false traitor as afore-  
 “ said, and in further prosecution, performance and exe-  
 “ cution of his said last mentioned treason, and treasonable  
 “ adhering and purposes aforesaid, with force and arms,  
 “ falsely, maliciously and traitorously did compose and  
 “ write, and cause and procure to be composed and writ-  
 “ ten, a certain other letter to be sent to the said Benjamin  
 “ Beresford, in foreign parts beyond the seas, requesting  
 “ the said Benjamin Beresford to inform a certain other  
 “ person, then also being in foreign parts beyond the seas,  
 “ but whose name is to the said Jurors unknown, that an  
 “ account of the situation and dispositions of divers of the  
 “ subjects of our said Lord the King of his kingdom of Ire-  
 “ land, was sent for the said last mentioned person unknown,  
 “ to be communicated to the said persons exercising the  
 “ powers of government in France, and being enemies of  
 “ our said Lord the King as aforesaid.

“ And that afterwards, and during the said war between  
 “ our said Lord the King and the said persons exercising  
 “ the powers of government in France, to wit, on the same  
 “ day and year last aforesaid, at the parish of Saint Andrew  
 “ aforesaid, in the city and county of the city of Dublin  
 “ aforesaid, the said William Jackson, as such false traitor,  
 “ as aforesaid, and in further prosecution, performance and  
 “ execution of his said last mentioned treason and treason-  
 “ able adhering and purposes, with force and arms, falsely,  
 “ wickedly and traitorously delivered and caused and pro-  
 “ cured to be delivered the said last mentioned letter into  
 “ the said office of the Post at Dublin aforesaid, to be from  
 “ the said office conveyed and delivered to the said Benja-  
 “ min Beresford.

“ And that during the said war between our said Lord  
 “ the King and the said persons exercising the powers of  
 “ government in France, to wit, on the same day and year  
 “ last aforesaid, at the parish of Saint Andrew aforesaid, in  
 “ the city and county of the city of Dublin aforesaid, the  
 “ said William Jackson, as such false traitor as aforesaid,  
 “ and in further prosecution, performance and execution of  
 “ his said last mentioned treason and treasonable adhering  
 “ and purposes, with force and arms, falsely, maliciously  
 “ and traitorously did compose and write, and cause and  
 “ procure to be composed and written divers other  
 “ accounts and instructions in writing, to publish and  
 “ declare to the said said persons exercising the powers  
 “ of government in France, and being enemies of our said  
 “ Lord the King, for the purpose of inciting the said  
 “ persons to invade this kingdom of Ireland, and to raise  
 “ and

“ and make war therein against our said Lord the King,  
 “ divers matters and things of and concerning the people  
 “ of this kingdom of Ireland, and among other things:—  
 “ that the Dissenters were steady Republicans, devoted to  
 “ liberty, and though all the stages of the French revolution  
 “ had been enthusiastically attached to it:—that the pea-  
 “ santry of Ireland manifested a degree of discontent, by va-  
 “ rious insurrections:—that there was no where a higher  
 “ spirit of aristocracy than in all privileged orders, the  
 “ clergy and gentry of Ireland, down to the very lowest, to  
 “ countervail which there appeared a spirit rising in the  
 “ people which never existed before, but which was spread-  
 “ ing most rapidly, as appeared by the Defenders, as they  
 “ were called, and other insurgents:—that in Ireland the  
 “ name of England and her power was universally odious,  
 “ save with those who had an interest in maintaining it; a  
 “ body however only formidable from situation and proper-  
 “ ty, but which the first convulsion would level in the  
 “ dust:—that on the contrary, the great bulk of the peo-  
 “ ple (meaning the people of Ireland) would be ready to  
 “ throw off the yoke (meaning the government of our said  
 “ Lord the King in that country) if they saw any force suf-  
 “ ficiently strong to resort to for defence, till arrangements  
 “ could be made:—that the government of Ireland was on-  
 “ ly to be looked upon as a government of force:—that  
 “ the moment a superior force appeared it would tumble at  
 “ once, as being founded neither in the interests nor in the  
 “ affections of the people:—that there seemed little doubt  
 “ but an invasion (meaning an invasion of Ireland by the  
 “ said enemies of our said Lord the King) in sufficient force,  
 “ would be supposed by the people, (meaning the people of  
 “ Ireland) that there was scarcely any army in the country,  
 “ (meaning in Ireland) and that the militia (meaning the  
 “ militia of Ireland) would to a moral certainty refuse to  
 “ act, if they should see such a force as they could look to  
 “ for support.

“ And also that the said William Jackson, as such false  
 “ traitor as aforesaid, during the said war between our said  
 “ Lord the King and the said persons exercising the powers  
 “ of government in France, to wit, on the same day and  
 “ year last aforesaid, at the parish of Saint Andrew afore-  
 “ said, in the city and county of the city of Dublin afore-  
 “ said, in further prosecution, performance and execution  
 “ of his said last mentioned treason, and treasonable adher-  
 “ ing and purposes, with force and arms, did falsely, wick-  
 “ edly and traitorously compose and write, and cause and  
 “ procure to be composed and written, divers other ac-  
 “ counts and instructions, in writing, of and concerning the  
 “ people

“ people of this kingdom of Ireland, to incite, move and  
 “ *persecute* the said persons exercising the powers of govern-  
 “ ment in France, and being enemies of our said Lord the  
 “ King as aforesaid, to invade this kingdom of Ireland, and  
 “ to raise and make war therein against our said Lord the  
 “ King.

“ All which said accounts and instructions in writing,  
 “ herein before mentioned to have been written and com-  
 “ posed, and caused and procured to be written and com-  
 “ posed by the said William Jackson, he the said William  
 “ Jackson, as such false traitor, as aforesaid, and in further  
 “ prosecution, performance and execution of his said last  
 “ mentioned treason, and treasonable adhering and purposes  
 “ aforesaid, afterwards, and during the said war between  
 “ our said Lord the King and the said persons exercising the  
 “ powers of government in France, to wit, on the same  
 “ day and year last aforesaid, at the parish of Saint Andrew  
 “ aforesaid, in the city and county of the city of Dublin  
 “ aforesaid, with force and arms, falsely, wickedly and  
 “ traitorously delivered and caused and procured to be deli-  
 “ vered, into the said office of the Post at Dublin aforesaid,  
 “ to be from thence conveyed into foreign parts beyond the  
 “ seas; and there, to wit, in foreign parts beyond the seas, to  
 “ be delivered to certain persons on the behalf and for the  
 “ use of the said persons exercising the powers of govern-  
 “ ment in France, and enemies of our said Lord the King  
 “ as aforesaid, for the information, encouragement, aid and  
 “ assistance of the said persons exercising the powers of go-  
 “ vernment in France, and being enemies of our said Lord  
 “ the King as aforesaid.

“ And that during the said war between our said Lord  
 “ the King and the said persons exercising the powers of  
 “ government in France, to wit, on the same day and  
 “ year last aforesaid, at the parish aforesaid, in the  
 “ city and county of the city of Dublin aforesaid, the  
 “ said William Jackson, as such false traitor as aforesaid,  
 “ and in further prosecution, performance and execution  
 “ of his said last mentioned treason and treasonable  
 “ adhering and purposes, with force and arms, falsely,  
 “ wickedly and traitorously delivered and caused and pro-  
 “ cured to be delivered into the said office of the Post of  
 “ Dublin aforesaid, to be from thence conveyed into foreign  
 “ parts beyond the seas, and delivered to the said persons  
 “ exercising the powers of government in France, and being  
 “ enemies of our said Lord the King as aforesaid, for the  
 “ purpose of inciting the said persons to invade this kingdom  
 “ of Ireland, and to raise and make war therein against our  
 “ said Lord the King, divers other accounts and instruc-  
 “ tions



"tions in writing of and concerning the people of this  
 "kingdom, whereof he, the said William Jackson, then  
 "and there will knew the contents, purporting and con-  
 "taining therein, amongst other things, that the Dissenters  
 "were steady Republicans, devoted to liberty, and through  
 "all the stages of the French revolution had been enthusia-  
 "stically attached to it:—that the peasantry of Ireland mani-  
 "fested a degree of discontent by various insurrections, and  
 "that there was no where a higher spirit of aristocracy than  
 "in all the privileged orders, the clergy and the gentry of  
 "Ireland, down to the very lowest, to countervail which  
 "there appeared a spirit rising in the people which never ex-  
 "isted before, but which was spreading most rapidly, as  
 "appeared by the Defenders, as they were called, and other  
 "insurgents:—that in Ireland the name of England and her  
 "power was universally odious, save with those who had an  
 "interest in maintaining it, a body however only formida-  
 "ble from situation and property, but which the first con-  
 "vulsion would level in the dust:—that on the contrary, the  
 "great bulk of the people (meaning the people of Ireland)  
 "would be ready to throw off the yoke (meaning the govern-  
 "ment of our said Lord the King in that country) if they  
 "saw any force sufficiently strong to resort to for defence,  
 "until arrangements could be made:—that the government  
 "of Ireland was only to be looked upon as a government of  
 "force:—that the moment a superior force appeared, it  
 "would tumble at once, as being founded neither in the in-  
 "terests nor in the affections of the people:—that there  
 "seemed little doubt but an invasion (meaning an invasion  
 "of Ireland by the said enemies of our said Lord the King)  
 "in sufficient force, would be supported by the people,  
 "(meaning the people of Ireland) that there was scarcely  
 "any army in the country, (meaning in Ireland) and that  
 "the militia (meaning the militia in Ireland) would to a  
 "moral certainty refuse to act, if they should see such a  
 "force as they could look up to for support.

" And also, that the said William Jackson, as such false  
 "traitor as aforesaid, during the said war between our said  
 "Lord the King and the said persons exercising the powers  
 "of government in France, to wit, on the same day and  
 "year last aforesaid, at the parish of Saint Andrew afore-  
 "said, in the city and county of the city of Dublin afore-  
 "said, in further prosecution, performance and execution  
 "of his said last mentioned treason and treasonable adhering  
 "and purposes, with force and arms, falsely, wickedly and  
 "traitorously delivered, and caused and procured to be de-  
 "livered into the said office of the Post at Dublin aforesaid,  
 "to be from thence conveyed into foreign parts beyond the  
 "seas,



“seas, and delivered to the said persons exercising the  
 “powers of government in France, and being enemies of  
 “our said Lord the King, as aforesaid, divers other accounts  
 “and instructions in writing, of and concerning the people  
 “of this kingdom of Ireland, whereof he, the said William  
 “Jackson, then and there well knew the contents, to incite,  
 “move and persuade the said persons exercising the powers  
 “of government in France, and being enemies of our said  
 “Lord the King as aforesaid, to invade this kingdom of Ire-  
 “land, and to raise and make war therein against our said  
 “Lord the King, against the duty of the allegiance of him  
 “the said William Jackson, against the peace of our said  
 “Lord the King, his crown and dignity, and contrary to  
 “the form of the statute in such case made and provided.”

THURSDAY, APRIL 23D, 1795.

AT half past ten the Court sat, consisting of Earl CLONMELL, Chief Justice; Mr. JUSTICE DOWNES, and Mr. JUSTICE CHAMBERLAINE; Mr. JUSTICE BOYD being absent.

The Rev. WILLIAM JACKSON, was brought from Newgate to the Dock, escorted by an Officer's Guard, (which continued in the Hall during the trial, and prevented the crowd from pressing into the court) and was now put to the Bar.

*Clerk of the Crown.* Prisoner, are you ready for your trial?

*Prisoner.* I am.

*Cl. Sheriffs,* return your pannel.—Crier, make proclamation for a PETIT JURY.

Upon calling over the pannel the first time, a sufficient number of Jurors not having answered, the Bailiffs who served the summonses were sworn, and the defaulters were called over on pain of ten pounds; when there appeared in the box about fifty persons.

It appearing, on calling over the pannel, that several Members of Parliament had been summoned, the Lord Chief Justice observed, that it had very improperly become the practice of late, to summon Members during the sitting of Parliament; and directed that such as were Members of Parliament should not be fined.

*Cl. Prosecutors* and prisoner look to your challenges!

The following Gentlemen were called on to be sworn:

Sir FRANCIS HUCHINSON, challenged by the prisoner.

1. JOHN EXSHAW, sworn.

JOHN CLAUDIUS BERESFORD, challenged by prisoner.

FREDERICK FRENCH, by Do.

D 2

Here

Here the prisoner in the Dock being at an inconvenient distance from his Counsel and Agent—and being a stranger in this kingdom; his Agent would have made some challenges in his name—but the Chief Justice observed that it was a contempt of the Court for any but the prisoner to challenge;—the Agent then requested that Counsel should be allowed to sit near the prisoner, in order to assist him in his challenges.—His lordship consented, as it would, he said, be absurd to assign Counsel to a prisoner, and yet not suffer him to have the full benefit of them. Accordingly one of the assigned Counsel, together with the Agent, repaired to the outer bar, adjoining the dock, until the swearing of the Jury was gone through.

2. JOHN PENTLAND, sworn.

3 JOHN CRANFIELD, sworn.

4. WILLIAM HUMFREY, sworn.

ROBERT ASHWORTH, challenged by the prisoner.  
THOMAS KINSLEY, by Do.

5. GEORGE COWAN, sworn.

Before this Gentleman was sworn, he was asked if he had ever given an opinion on the matter in issue; and answered in the negative.

SAMUEL MIDDLETON, challenged by prisoner.

6. STUCKEY SIMON, sworn.

ROBERT WALKER, challenged by prisoner.

7. JOHN OLDHAM, sworn.

This man was first objected to by the Crown, but afterwards the objection was withdrawn,

8. JAMES DONOVAN, sworn.

ALEXANDER CLARKE, challenged by the Crown.  
DAVID WEIR, by the prisoner.

9. JOHN WARD, Senior, sworn.

MARK BLOXHAM, by the prisoner.

JOHN MURRAY, by Do.

JOHN MINCHIN, by Do.

W. CASTLES HOLLISTER, by the Crown.

JOHN CAMPBELL, by the prisoner.

10. ALLAN FORSTER, sworn.

JOHN CROSTHWAITE, by the prisoner.

11. JOHN SMITH, sworn.

WILLIAM EDMISTON, by the Crown.

BENJAMIN SIMPSON, by the prisoner.

JAMES DAVIS, by Do.

THOMAS WHITE, by the Crown.

HUGH COCHRAN, by the prisoner.

12. LEWIS HODGSON, sworn.

JURY

## JURY SWORN,

Alderman JOHN EXSHAW,  
 Mr. JOHN PENTLAND,  
 Mr. RICH. CRANFIELD,  
 Mr. WM. HUMFREY,  
 Mr. GEORGE COWAN,  
 Mr. STUCKEY SIMON,

Mr. JOHN OLDHAM,  
 Mr. JAMES DONOVAN,  
 Mr. JOHN WARD,  
 Mr. ALLAN FORSTER,  
 Mr. GEORGE SMYTH,  
 Mr. LEWIS HODGSON.

*Cl. Prisoner, hold up your right hand.*

The Clerk of the Crown then proceeded to read the indictment, and on going thro' the first count, which was unusually long, Mr. Attorney General asked whether it was thought necessary to read the whole of the indictment. There were two distinct charges, one for compassing the King's death, the other for adhering to his enemies. There are fourteen overt acts, going equally to both, and all of which have been already read.

LORD CLONMELL, Chief Justice. This is so like the case of the King against Hensey, that we should like to follow it.

*Counsel for the Crown.*

PRIME SERJEANT,  
 ATTORNEY GENERAL,  
 SOLICITOR GENERAL,  
 Mr. FRANKLAND,  
 and  
 Mr. TRENCH.

*T. KEMMIS, Agent.*

*Counsel for the Prisoner.**Assigned.*

Mr. J. P. CURRAN,  
 Mr. G. PONSONBY,

*Assistants.*

Mr. L. MAC NALLY,  
 Mr. R. GUINNESS,  
 Mr. T. A. EMMET,  
 Mr. CHARLES BURTON,  
 Mr. JONAS GREENE, and  
 Mr. WILLIAM SAMPSON.

*E. KEANE, Agent.*

The indictment was opened by Mr. TRENCH, and Mr. ATTORNEY GENERAL stated the following case :

MR. ATTORNEY GENERAL—*My Lords and Gentlemen of the Jury*,—The prisoner, the Rev. WILLIAM JACKSON, a clergyman of the church of Ireland, and a native of this kingdom, stands charged with high treason. He is charged with two species of that crime. One, that he compassed and imagined the death of the King: the other that he adhered to the King's enemies, namely the persons exercising the powers of government in France, with which nation the King was at war at the time the fact is alleged to have been committed.



committed. The Court will inform you, that this indictment is grounded on the statute of Edward III. by that statute, confirming the common law, to imagine, design or compass the death of the King is made high treason; the only instance in our law where a crime intended, and not committed, is made punishable with death, because as there is something so essential to society in the chief Magistrate, (the King) that the compassing his death is guarded against in this peculiar way, because the peace and safety of society depends in a great measure upon his single life.

But whilst the law has thus wisely guarded against violence offered to the chief magistrate of the state, it has taken care that those who shall be charged with any intention of that kind shall not be easily or lightly found guilty; and as the intention of the guilty person can only be known to himself and to the eye of Providence, it is necessary before he can be convicted of that horrid crime, that he should have manifested it by some overt act, openly done, and fairly proved, which shall make that intention plain and clear to the Jury, who are to pronounce their verdict upon him.—Upon this species of treason, I am to observe what the Court will also inform you of, that to constitute the crime it is not necessary that this party had actually the intention to put the King directly to death.

*[Here Mr. CURRAN apologized for interrupting Mr. Attorney General with a request, that the witnesses for the crown might be sent out of court, which was readily complied with, as well by the Crown Officers as by the Court; and a list of witnesses was desired on both sides, that they might be mutually placed out of hearing of the statement; but nothing more was insisted upon, than that Mr. Cockayne, the principal witness for the prosecution, should withdraw.]*

MR. ATTORNEY GENERAL proceeded—*Gentlemen*, I was endeavouring to explain the charge in the first part of the indictment, that of compassing the death of the King.—It is not necessary that the person accused intended to put the King actually to death: if he intended any thing which might in its consequences produce that effect, he was guilty of the crime charged upon him. Thus, if he meant to dethrone the King, it is settled law that that would be of itself a compassing of his death; for to dethrone a King, immediately leads to the last act of violence. Another familiar instance is, that the party having an intention to imprison the King, altho' it does not appear that he intended to put him to death, yet is guilty by the law of compassing his death; for such an act is the immediate forerunner of the death of a King.—Therefore, *Gentlemen*, it is for you to consider,



consider, when you shall hear the evidence, what the scope and design of this prisoner was :—

He stands charged, in the first instance, with an intention of compassing the King's death; to support that charge there are fourteen overt acts laid; if any one of which is proved to your satisfaction, and is in its nature such as discovers to you this traitorous intention, then you will find the prisoner guilty. I shall not take up your time with enumerating the several overt acts that are laid in the indictment; the principal one is, that the prisoner consulted with several others, to induce the governing powers of France to invade this kingdom, for the purpose of dethroning the King: the prisoner meeting, together with others, in such consultation is an overt act, from which you will necessarily collect the preconceived intention of dethroning the King, which in law amounts to a compassing of his death.

Another act is, that the prisoner procured a statement of the situation of the kingdom of Ireland to be drawn up, and did put that into the Post-office, to be sent into the kingdom of France, with a view of inducing the rulers of the French to invade this country, for the purpose of dethroning the King.

A further act is, that the prisoner endeavoured to persuade a certain person, named in the indictment, to go to France with intelligence, to persuade the ruling powers to make an invasion, in order to dethrone the King.

Another is, that another person was endeavoured to be persuaded to go into France, to induce the enemy to make such an attempt.

It is also laid, that the prisoner came into this kingdom for the purpose of exciting a rebellion.—That also is an overt act which manifests the intention; and there are various others of similar nature, particularly specified on the face of the indictment; if any one of which is proved to your satisfaction, then it will appear that the prisoner did incur the guilt of compassing the King's death.

The other species of treason is, that of adhering to the King's enemies; that species of treason is clearly expressed by the very term itself; but an overt act of that kind must also be laid, and therefore fourteen are laid to support that, the same as those which support the other charge: for, Gentlemen of the Jury, it needs no argument to prove, that if a man invites an enemy, he adheres to that enemy; and if he gives that enemy intelligence, he adheres to him; it is needless to go over the fourteen overt acts to satisfy you of this; for if any one of them be proved, you cannot doubt that the party has manifested a clear, determined adherence to the King's enemies.

Such

Such are the crimes charged against the prisoner at the bar; whether he be guilty of either of these crimes, it is for you to determine upon your oaths. You are on the one hand, to discharge your duty to your King and to your country, and you are to take care upon the evidence, that if the party is proved guilty, he shall be found guilty; in order that men may be deterred from committing crimes of the last malignity, tending to the destruction of the state, the peace, happiness, lives and properties of the subject. It is your duty to take care, that by no weak feelings, by no improper leanings to mistaken mercy, a man guilty of such a crime should escape from justice; at the same time you have another duty; and, however you may conceive of the treason, however dreadful the consequences of such a crime be, you are not to be hurried away, in consequence of your feelings, lightly to find the accused guilty: These are two observations, not necessary perhaps to such men as you; but in making which I conceive myself merely discharging a common duty.

Having stated the nature of the crimes charged, and the obligations you have to fulfil, the evidence shall now be laid before you; in doing which, it is my business to state the facts plainly and with the utmost simplicity, without giving them any colour that might induce you to lean against the prisoner; and I will state for your better understanding, particularly, the nature of the evidence. The case is simple and uncomplicated, not arising from a number of indirect facts and doubtful evidence; on the contrary, it is a clear, distinct species of treason, depending upon very simple evidence indeed.

Gentlemen, the prisoner at the bar is, I am instructed to say, a native of this country; he had early in life, I believe, gone to reside in London, but some time since (the exact period I am not informed of) he went from England to reside in France: he was there, if not from the time of the late revolution, yet surely for a considerable time after that revolution took place. In order that you should understand the meaning of some papers to be produced in evidence before you, it is necessary to state the connexion and circumstances of several persons whose names will appear.

There was resident in the city of Paris in the year 1793 and 1794, and some time previous, how long I know not, a Gentleman of the name of J. Holford Stone, by birth an Englishman, and engaged in trade in the city of Paris; that gentleman had connected with him another, as an assistant or partner, I do not exactly know which, a gentleman of the name of Benjamin Beresford, who had been married to a lady,  
a sister

a sister of Archibald Hamilton Rowan, late of the city of Dublin, Esq. Mr. J. Holford Stone, of Paris, had a brother of the name of William Stone, who in the year 1793, and the beginning of the year 1794, was resident in the city of London, and sometimes at a small village in the neighbourhood of that city, called Old-Ford. He was in the coal trade, as a coal merchant, and is also, or was then in partnership with a company, whose firm is Lawrence and Co. resident I think in Rutland-place, or Thames-street, carrying on trade in the city of London. In the latter end of 1793, or the beginning of 94, the prisoner, as I am instructed, was sent from the city of Paris by the then ruling powers, to the city of London, for the purpose of learning, by means of the enquiries he should make, the state of the kingdom of Great-Britain, and how far it was practicable to invade that country with success. And further, as may be clearly collected from the evidence to be laid before you, (if I am not misinformed) that if he should not find a probability of success in the designs entertained of invading that country, he should pass over into the kingdom of Ireland, upon a like mission. He set out therefore from Paris, accredited by a letter from J. Holford Stone, to his brother in London, William Stone, who had been previously informed of the intention of sending this gentleman into Great-Britain, he was also supplied with some letters, we cannot take upon us to say how many, or whether there were more than two, but of two we are possessed. He was supplied with letters of recommendation, one was for Mr. Horne Tooke, in England, another to a gentleman of the name of Dr. Crawford, of this country. He arrived in London, having passed through Hambourg in January or February, 1794. It appears that he resorted immediately to Mr. William Stone, by whom he was kindly received, and with whom it appeared he had a confidential intercourse. It will appear also, that whilst he remained in London, he endeavoured to procure as accurate a statement of the kingdom of England as he could; I mean with respect to the willingness of that people to receive the French into their fraternity. It will appear that persons were found to draw up, for the information of Mr. Jackson, the state of that country; and the information which he received, I believe and trust, was perfectly accurate, that the people of England were not willing to embrace as brothers those of the French nation; but that if they came amongst them, they would find the hands of ninety-nine out of an hundred raised against them. It will appear clearly that Mr. Jackson did send letters, the contents of which are not known, through the medium of this Mr. Stone, to France.

In the course of the residence of Mr. Jackson, upon this occasion, in London, he had renewed an old acquaintance with



John Cokayne, an attorney of eminence, resident in Lyons-Inn; and procured this Mr. Cokayne, from time to time, to direct several letters to foreign countries, telling him that he himself having, during his former residence in England, contracted several debts, was unwilling that his hand-writing should be known. And Mr. Cokayne, without knowing or suspecting the nature of these letters, did so direct them, and there is every reason to suspect that they were communications touching that treasonable mission on which he had been sent.

The prisoner, finding that he was not likely to succeed in his object against Great-Britain, became desirous to try the experiment upon his native land, determined to proceed from Great-Britain to the kingdom of Ireland, in order to see what could be effected there. During the time he had been in London he passed by his own proper name of Jackson, and for an American merchant; he communicated to Mr. Stone of Old-Ford, his intention of coming into Ireland, and desired that he might have a correspondence from Ireland with him; and that he would be the means, if occasion should require, of conveying such letters as he should think fit to send, to be by him transmitted to such foreigners as they were intended to be sent to. With this view he furnished Mr. Stone before he departed for Ireland, with a paper which will be proved to you to be in his own hand-writing, explaining the manner in which he would have such letters transmitted to his foreign correspondents; the paper is an observable one, because it will come clearly connected with another that will be shewn to you; and this part of the case will be proved to you by that species of evidence which it was impossible to manufacture for the occasion, even if there was any man wicked enough to seek for the life of a person otherwise insignificant, unless he was actually guilty.

Upon the top of the paper is a ✕ the word *a Crofs*, and then the figure of a Crofs put upon the outer cover, next there was to be another cover directed to "*Monsieur Daudetufaille*," and the outer cover in which these were to be enclosed, to be addressed to "*Messrs. Texier, Angely, and Massac, at Amsterdam*." Another to be directed to "*Monsieur Chapeaurouge, Marchande, at Hambourg*;" the paper is in the hand-writing of the prisoner. At the same time that that was to be delivered, Mr. Jackson desired Mr. William Stone to write to him by the name of *Thomas Popkins*; all this was preceding the treasonable object.

This view of Mr. Jackson, the prisoner, was disclosed to Mr. Cokayne, upon which Mr. Cokayne felt, as I believe every gentleman and every man of common sense, exclusive of the sentiments of duty, must have felt. It occurred to him  
instantly

instantly that those treasonable letters, which passed through the Post-office, were in his direction, and amounted to evidence against him of treason; a feeling which must naturally occur to any man of common reflection. It occurred further to him, to what danger the state was exposed, and therefore he discovered to government what he had done, and how things were situated. Government aware of these dangerous practices, did, as was its duty, determine to counteract them, and to bring to justice, if possible, the perpetrators of such horrid crimes; at all events, to render abortive the schemes which were set on foot. On the latter end of March, the prisoner set out from London for Dublin, he was accompanied by Mr. Cokayne, he arrived in the city of Dublin on the first of April, 1794; they lodged, I think, at a house called Hyde's Coffee-house, the corner of Palace-street: and it appears that Mr. Jackson, shortly after his arrival, either became acquainted, or renewed an old acquaintance with a gentleman of the name of Leonard McNally.—Mr. McNally, with an hospitality, in which Irishmen are never deficient, invites the two strangers to dine: and, as a man of manners always chuses that there should be an agreeable company to meet the stranger, if I am rightly instructed, Mr. Simon Butler and Mr. Lewyn were present; the conversation naturally turned, by the gentleman come upon this good-natured mission, to the state of the country, very much talk there was about the discontents of this kingdom, and how far, if an invasion should be made, the people would be willing to rise, and assist the invader, to destroy the peace of the country, and dethrone the king. I do not mean to charge any crime against any person there, that would ill become me, my business is only to state necessary facts.—Gentlemen delivered their opinions as they arose, I presume. Mr. Butler held an opinion, that though there were discontents in some parts of the country, the generality of the people having property and education, were loyal; that they had an influence over their tenantry, and there would be nothing but disappointment to any person looking for an invasion. Others gave different opinions; but something was said about Archibald Hamilton Rowan, then in prison for the publication of a seditious libel. Mr. Jackson, considering that Mr. Rowan could give him out of his prison all the light he desired, proposed that he should be introduced to him: some difficulty there was, both with the friends of Mr. Rowan and the other persons, respecting the authority which this gentleman had to treat at all. As I am instructed, Mr. Lewyn was made the messenger of introduction to Mr. Rowan, and in order to accredit this ambassador of France, Mr. Jackson delivered two letters of recommendation, which

he had for Mr. Tooke, and Dr. Crawford; for it does appear that Mr. Jackson had not delivered to Mr. Tooke the letter he had received to him; I am not able to prove the reason, but probably he was not a fit person to forward Mr. Jackson's purpose. These two letters were delivered to Mr. Lewyn, in order to be a ground to accredit Mr. Jackson to Rowan, so as to obtain his confidence.

It will strike you oddly, Gentlemen, how he should send letters to Mr. Rowan which were for other persons, and probably sealed: but these letters were not sealed. It is sometimes a matter of politeness to deliver such introductory letters unsealed: it is probable, therefore, from that circumstance, that Mr. Jackson knew the contents, but that is further manifested by his sending them to Rowan, as evidence of the credit he deserved with him. It will appear to you that Mr. Jackson did go, in consequence, to Mr. Rowan; what passed at the first interview I am not instructed; but at that first meeting he did receive two letters, given by him to Lewyn, as I have said, to procure him credit, and these two letters he did bring back.

Another meeting appears to have been appointed between Mr. Rowan and Jackson:—Jackson was invited, I think to breakfast, with that Gentleman, and to meet another person there Mr. Cokayne accompanied Jackson to the prison. Then, Gentlemen, it will appear about the 15th of April, a meeting was had, as was previously concerted there. The prisoner was to meet a new person, in order to consult for sending over to the powers in France, one fully instructed, with whom they could do more in a single interview, than by a correspondence of a thousand letters. Accordingly the meeting was had in Rowan's lodgings, in Newgate, Rowan, Jackson, Cokayne, and a Gentleman of the name of Wolfe Tone, were present; the object of that meeting was to prevail with Tone to go over, and communicate to the French government the state of this country, and the willingness of the kingdom to rise in arms, to induce them to come, and put the government down.

It appears that in consequence of a former meeting, a state of the country was prepared, the same which has been read three or four times in the indictment; but it was thought much more effectual for a person of sense and ability, accredited by so high an authority as Mr. Hamilton Rowan, to go over to France, and there transact the business in person.

The paper was produced; a conversation arose with respect to sending Mr. Tone into France; Mr. Jackson endeavoured to persuade him to go, he made several objections: He had a wife and three children, whom he



he could not leave unprovided,—a debt was due to him, part of a reward for some services to the Roman Catholics. Mr. Rowan told him he need not be apprehensive for the safety of his wife and family, they should all be taken care of; still Tone hesitated;—He was doubtful of the event if he should go—He was doubtful of the reception he should meet with—He was doubtful of the reward he should receive—He was doubtful he might never return.—Something was said of £500:—Jackson would not undertake to make him any specific promise of a reward, but told him that the French were a brave and generous people, and that he would be treated with liberality. Tone however, went to the Assizes of Drogheda, which prevented him returning at the expected time, and at length he certainly declined going; so that then it became necessary to find out some other person to go,—some able man, to be the Ambassador of Mr. Jackson to the powers of France, to persuade them to make a descent upon this country; such a person was to be found and chosen.—Dr. Reynolds presented himself to the mind of Mr. Rowan, and a meeting is held at which he was present; he was accordingly applied to, and was willing to go, but upon a little reflection, he thinks the experiment rather dangerous, he recollects that he does not understand a word of the French language, nor the manners of the countries through which he should pass, however, the eloquence of Rowan and Jackson prevailed, and the route was marked out. Nevertheless, he afterwards changed his mind, and at length determined not to go. But, Gentlemen, while these things were thus treating of, Mr. Jackson was employed in making communications how far he was likely to succeed in his designs. I have stated that he arrived here upon the first of April; government previous to his arrival here, (*the government of Ireland*) being informed of the project of Mr. Jackson, of course did, as it is authorised and bound to do, take every possible precaution, and with that view, being apprized of the communications with Stone of Old-Ford, and the persons with whom he corresponded abroad, gave directions to the persons employed in the Post-Office, as by law they were warranted, and as by duty, if they were not, they are bound to do, to open the letters which should appear to be part of this correspondence.

It appears that Mr. Jackson upon the 5th of April wrote to Mr. Stone of Old-Ford, announcing to him his arrival in Ireland; he apologizes for not having written sooner, but apprizes him of his arrival, and that he had found several kind friends, desires him not to make any use of the addresses he had left him, "*the price and nature of the articles being entirely changed.*" Gentlemen, you will observe, that  
though

though thro' the course of this correspondence, terms are strangely and enigmatically used, for instance;—you will find terms of trade where trade was not concerned, but you shall see from the context of the Letters, when they shall all be put together, what the meaning and object of them was. About this time there was a new revolution in Paris. Danton and his associates were assassinated by the prevailing party, which fact seems to elucidate the ambiguity of several phrases in this letter. The writer concludes, "You will enclose your letters to me, directed to, John Cokayne Esq. at Hyde's Coffee-House, Dublin." And this letter is signed "THOMAS POPKINS." To this letter it will appear that Mr. Stone of Old-Ford wrote an answer, bearing date the 11th of April, in which he acknowledges the receipt of the letter of the 5th: and Gentlemen, it will appear to you that the prisoner Jackson, wrote a letter to Mr. Beresford at Paris, bearing date the 24th of April: he procured Cokayne to copy this letter, and appears to be in the hand-writing of Cokayne, and is also signed *Thomas Popkins*. In this letter he says, "You are requested to see Mr. Madgett's friend directly, and inform him that this evening two papers, containing the opinion of the first counsel in this kingdom, relative to his family law-suit; are sent off to him by the post. Mr. Madgett has been wholly occupied since his arrival, in attending consultations, and collecting the necessary materials. Your Brother-in-law, with whom your friend Madgett is, has obtained the opinions of all good and honest lawyers on the subject, he may therefore proceed by hostile or pacific measures, as he and his friends may think proper." Madgett means the marine Ministers of France. The object of the law-suit was the kingdom of Ireland; respecting which he had got these honest and good lawyers opinions, that they might proceed as pacifically or hostilely, as they pleased, and take a happy possession of this island.

"N. B. Your Brother-in-law, has written to your wife, in order to find out the sex of your child, I am told it is a fine boy, in every respect sound, except the Brain."

Another letter will be laid before you, dated the twenty-first of April; but it appears not to have been inclosed nor finished till the twenty-fourth. It is a letter to Mr. Stone of London, in Jackson's hand writing, but directed in that of Cokayne. In this letter he says, "Yesterday your letter was delivered to me, I am glad to find the papers have reached the person for whom they were intended." This probably alludes to something sent by him to London for his foreign correspondent. "From the silence of the parties, I was apprehen-

five

five the out-ride had neglected the delivery. I do not see any thing in the late change of fashions, which alters my opinion of the stability of the new institution, particularly as I never have been able to detect in the principals, the least inconsistency—though the rest have been guilty of tergiversation. The state of manufactures in England, which your friend drew out, is very just, as far as it relates to England; but the opinions of the people of England with respect to the trade of your country are changed, so as to leave no hope of co-operation: yet, there are different opinions as to a treaty to be brought about by industry. I am promised a statement of the manufacturing branches, which shall be sent to you, drawn by a sensible and able manufacturer. I shall obey the directions of your Sister-in-law, by not writing to her, which does not however preclude me from requesting that you will remember me most affectionately to them and Mr. Nicholas, let them know that I am well, and that I am doing every thing in my power to serve them. It is in agitation to send a person with copies of such covenants and leases as will shew the readiness of his Sister-in-law to come to immediate terms with him, I should advise a junction of interests, rather than a tedious Chancery suit, copy these I send to them. A few days will decide whether the person will go or not. If he should go, he will go from him, and the family here, with full power to treat with Mr. Nicholas, finally settle the terms, thus put an end to enmity, and bring the parties to accord; one interview is better than a thousand letters, Mr. Nicholas will receive him well, and treat him as he deserves. He has this morning, (the 24th of April) decided, that his private affairs will not permit him to go; I shall therefore send a statement of the family expectations, drawn up by as eminent a pleader, as the Gentleman who composed the paper in England.”

Now, it is plain to you Gentlemen, proceeds Mr. Attorney General, that this paper to be composed, was to be of a piece, with something that had been composed in England; thus you see at one time it is a statement of a certain Lawyer, then again of a manufacturer, and now of a pleader respecting affairs, neither of which has any thing to do with either manufacturer or counsel.

Then he says, “I will set out for Cork in a day or two; from which place you shall hear from me, and should you receive any intelligence from or of our friends, communicate it to me, under cover to John Cokayne, Esq. to be left at the Post-office, Cork.

“I wish you would write the first post-day to your Sister-in-law, and tell her to inform Mr. Nicholas that to-morrow I send the two letters from his friends, containing two opinions of the first counsel, truly digested. As my time has been wholly occupied in collecting them; and they come from the first and most enlightened



tened sources, let your Sister-in-law tell Mr. Nicholas that they contain the whole statement of the case, and to look for them as matters of consequence."

Then Gentlemen, will be next laid before you, the original of that state of the situation of Ireland, four times read to you from the indictment; I am not at present precisely informed, nor is it material in whose hand-writing that statement is made; in the letters already stated, he himself, the prisoner, has promised to send on the morrow two perfect statements, which Mr. Nicholas was informed would arrive, and for which he was to have a good look out. It will appear on the very day on which that letter was dated, there were two copies of the state of Ireland put into the Post-office, one of them to go by way of Hamburgh, the other by Amsterdam, a caution used, lest one should miscarry; the one is marked with a large cross, exactly corresponding with the direction to Stone for transmitting written advices to France: then there is another cover directed to "*Monsieur D'audefouille*," then is that other cover inclosing it, which still corresponds with the direction left with Stone of Old-Ford, to "*Messrs. Texier, Angely and Massac, Amsterdam*." As I understand it, the cross was made by Jackson himself upon the inside paper, the letters are directed by Mr. Cokayne, and on one of the covers there are these words in the hand-writing of Cokayne, "Remember me to *Laignelot* and our friends." This is one of the papers put into the Post Office, corresponding with the contents of that letter of the 21st, which was finished and sent off on the 24th.

I will not take up your time in repetitions. It is enough for me to state that this is a manifest disclosure to the enemy of the situation of this country; and so the writer himself understood and intended it to be, and is an invitation to the enemy to land and take possession. This therefore, if you believe it, applies accurately to both the charges; it is to excite war, which is in law a compassing the King's death; it is adhering to the King's enemies, by shewing them the way to succeed against him; the other paper is directed to *Monsieur Chapeaurouge*, at Hamburgh, exactly conformable to the address left with Stone, of Old-Ford, and the other paper is marked with a cross, and has the words "remember me to *Laignelot* and our friends."

Gentlemen, I omitted to mention that the letters written by Stone of Old-Ford, to this Gentleman, the prisoner, are subscribed *W. Enotts*, which you will observe is the name of Stone reversed. And manifestly these men's writing about a family law-suit, as they would have had it appear, were afraid, for reasons which are now discovered, to sign their own names to their letters; but he whose name was Stone, signed *Enotts*, and he whose name was Jackson, subscribes himself *Pophins*.

Gentlemen, these letters were put into the Post Office, and there they were by order of Government intercepted; and in consequence

consequence of this discovery, Mr. Jackson, the prisoner at the bar, was arrested upon the 28th of April, by a warrant of my Lord Chief Justice, for high treason. He intended I think upon the day of his arrest to have set out for the city of Cork, pursuant to what he had written to his correspondent in London. The object of that journey was first to see the state of the country, and then to procure some person to furnish provisions for the ruling powers of France; he was in bed the moment of his arrest; and by his bed-side there was a table, upon which were lying several papers; these papers were seized, and amongst them were found the letters of Mr. Stone of Old-Ford, and the letter from Mr. Stone of Paris to Mr. Tooke, recommending this gentleman, and speaking in the strongest terms of the design of the French to invade Great-Britain; even telling his friend Mr. Tooke, that in the course of the summer, he, Stone, the Bookseller, in Paris, would have the pleasure of taking a cool bottle of burgundy, (for Republicans love burgundy, it would appear, as well as other men) under the shade of Mr. Tooke's tree, as often as his ministerial or legislative capacities would afford him leisure.

A third letter was from Mr. Rowan, desiring him to come to meet some other person at a precise moment, on account of some important business; and a note was also found from Mr. Tone, excusing himself from his attendance. It will appear to you, that Mr. Jackson came from France for the purpose of procuring intelligence to be delivered to the enemies of the King, and that, whilst here, he did his utmost to instigate and invite the French powers to invade this country.

When you shall put together the several circumstances, compare one paper with the other, and consider the whole scope of the evidence, you can have no doubt of the object of this mission. It will, as clear as if the whole design were written in plain terms; it will even carry with it a demonstration stronger than plain terms could do, inasmuch as disguise and artifice is a proof of conscious criminality. It will then be your duty, it is I am sure your inclination, to sift the matter to the very bottom; and either as your consciences and reason shall direct, to protect the peace of your country, by making a necessary example; or else to justify the man, if he shall appear to have been accused without good ground.

Mr. ATTORNEY GENERAL here sat down; but rose again to observe, what he had omitted to state:—that Mr. Stone had been also arrested in England, upon whom was found the direction spoken of, and also the letter of the 24th of April.

*First Witness on the part of the Crown.*

Mr. COKAYNE, examined by Mr. ATTORNEY GENERAL.

Q. Pray, Mr. Cokayne, do you know the prisoner at the bar?

A. I do.

Q. How long?

A. A good many years—ten and upwards.

Q. Do you know where his residence has been for the last four years?

A. I believe in France.

Q. Did you ever hear the prisoner say where he had resided?

A. In France.

Q. By the *Chief Justice*—How long?

A. I have missed him from England for two or three years.

Q. You heard him say he resided in France—can you say from any conversation of the prisoner, how long he had been in France?

A. He went to France upon the Duchess of Kingston's business—I cannot say how long.

Q. When did he return last to England?

A. I cannot tell the very day—I believe it must be some day January or February, 1794.

Q. Did he tell you after his return to England where he had been?

A. In France.

Q. Did he say from whence he came?

A. From France?

Q. How long did he remain in England upon that occasion?

A. From the time that he first came, I should presume, about two months, rather under than over.

Q. Have you had any intercourse with him—what part of England did you reside in?

A. I resided in Lyons-Inn, as an Attorney.

Q. What part of England did the prisoner reside in?

A. He had a lodging at the Buffalo Tavern, Bloomsbury.

Q. Had you any intercourse with him during that period?

A. Constant.

Q. Had you any reason, Mr. Cokayne, to know upon what business, or what object he was engaged in, during the time of his residence in England, or what brought him back from France to England?

A. I cannot particularly state—if you mention any particular period, Sir, it may direct me to give a more accurate answer.

Q. Did he employ you in any business?

A. I did some business in his private affairs as his attorney.

*Chief Justice.* What do you mean by his private affairs—in what capacity?

A. As his friend and attorney.

Q. When did he leave London?

A. I should think the latter end of March.

Q. Who



Q. Who accompanied him ?

A. I did.

Q. How did you come ?

A. In the mail-coach.

Q. You set out for Dublin in the mail-coach together ?

A. Yes.

Q. What was your inducement for accompanying him ?

A. To counteract any schemes or plans that he had in agitation, as I thought when I left England, of providing the French with articles prohibited to be exported from this kingdom.

Q. What was your reason for thinking he had such a scheme ?

A. From some conversations I had in England.

*Chief Justice*—What do you mean by prohibited articles ?

A. I understood it to be provisions.

Q. Mention the conversations, or the purport of them ?

A. I should find great difficulty to answer as to any one conversation with precision.

Q. Can't you mention the purport ?

A. I cannot mention the purport of any one with precision.

Q. Will you mention the general purport of them—what it was that induced you to form that notion ?

Objected to by Mr. Curran ;—that what he supposes to be the general purport of a number of confused conversations, not one of which he can state with any kind of recollection, is not legal evidence to affect the prisoner's life.

*Chief Justice*. It is evidence to go to the jury—let the objection go to his credit.

Q. When did Mr. Jackson arrive in Dublin ?

A. I believe on the second or third of April—I am not certain of the day ; we came together.

Q. After his arrival with whom had he the first intercourse—where did you lodge ?

A. At Hyde's in Dame-street.

Q. Were you invited to dinner shortly after your arrival ?

A. Yes—to Counsellor M'Nally's.

Q. Do you remember who the company were there ?

A. Mr. Simon Butler and I think Mr. Lewyn.

Q. Are you sure whether Mr. Lewyn was there or not ?

A. I am not quite certain—I think in the course of the day he was there.

Q. Recollect yourself, whether you saw him there that day ?

A. If I did not see him there that day, I saw him there no other day.

Q. Did you ever see him ?

A. O yes, several times.

*Chief Justice*. Recollect yourself—did you see Mr. Lewyn there that day or not ?

A. I really am not sure—I wish your Lordship would please to excuse a little want of recollection.

*Chief Justice.* Is Mr. Lewyn of any profession?

A. I do not know, my Lord.

Q. You said the company were Mr. Butler, Mr. M'Nally, and yourself—was there any body else?

A. I do not recollect.

Q. Who did Mr. M'Nally invite—did you go alone to him?

A. No, Mr. Jackson was with me.

Q. Did Mr. Jackson make any particular inquiries, and what were they—what was the scope of the conversation?

A. It was common conversation at dinner; they entered upon politics at last.

Q. Do you recollect the nature of the political conversation?

A. It is a very hard matter to recollect conversations upon oath, that passed between three or four people at a time when we were drunk.

*Chief Justice.* You say the conversation turned at length upon politics?

*Attorney General.* You are not asked to say what you do not recollect; but tell what you do—what politics?

A. General politics of the day; and also politics relative to Ireland.

Q. Do you recollect, Mr. Cokayne, what passed relative to the Irish nation—I do not expect that you should tell every word that every body said—do you recollect any particular object of that conversation as coming from the prisoner?

A. I have difficulty to state the precise words that Mr. Jackson, Mr. M'Nally, and each of the other gentlemen made use of, for I cannot say who said one or who said the other—according to the best of my recollection I will tell what the prisoner said.

Q. I ask you then what the prisoner said?

Mr. *Ponsonby*. You must state nothing but what you recollect. If by his recollection he means, my Lord, to give evidence, that by his recollection the prisoner said so and so, it is not good—he must be certain as to the substance, and to the best of his recollection as to the very words.

Q. Can you recollect the substance and purport of what Mr. Jackson said?

A. My Lord, I do not think I can answer that question.

Q. Do you say you cannot tell the purport of what Mr. Jackson said?

A. I cannot say positively what Mr. Jackson said—I cannot bring to my memory what any one person said.

Q. He was engaged in a conversation, what was the purport of it—you said it touched the politics of the Irish nation—what politics of the Irish nation?

Mr. *Ponsonby* objected.—Before the witness is permitted to speak of a general conversation, he should both recollect the substance

substance of that conversation, and shew that the prisoner joined in it.

*Q.* You have already said that Mr. Jackson joined in a conversation, and that it touched Irish politics—in what respect did it relate to Irish politics?

*A.* The dissatisfaction of part of the kingdom. I am not of this country, I know nothing of its politics, and never troubled myself with them before, and am bad at repeating them:—it went to the dissatisfaction of part of the kingdom.

*Chief Justice.* You did speak of some measures, but you took that up again—either adopt it now or take it up.

*A.* My Lord, if I did say measures, I do not think I was quite right.

*Q.* They talked of the dissatisfaction of some part of the kingdom—did their talk lead to any other object—recollect if you can what further passed?

*A.* It went to the dissatisfaction of some part of the kingdom—I really am not able to recollect, I am in such agitation.

*Q.* Take your own time.

*A.* I am very sorry, Sir, to detain the Court.

*Attorney General.* I am very sorry for it—but that is not of so much consequence as the attainment of justice and truth.

*Witness.* I have almost lost where I was.

*Mr. Curran* objected to the witness, in his direct examination, being assisted on the part of the Crown.

*Chief Justice.* If you mean that he should not be assisted, by reminding him of any thing he has said, stand upon that.

*Mr. Curran.* He said, my Lord, that he did not recollect that Mr. Lewyn was there, and I would not have have him assisted.

*Q.* Do you recollect any conversation between Jackson and Lewyn at any time?

*Mr. Ponsonby.* Gentlemen observe—the scene is now shifted, for he was but once at Mr. M'Nally's.

*Q.* Do you recollect any other conversation between Jackson and Lewyn, and where?

*A.* At Hyde's Coffee-House.

*Q.* Not in the Coffee-Room?

*A.* No.

*Q.* Can you recollect what that conversation was?

*A.* The conversation was, as to Mr. Lewyn's asking Mr. Jackson for some written documents, which he might produce as authorities to Mr. Rowan, so that he might with confidence talk to Mr. Jackson.

*Chief*



*Chief Justice.* Do you mean documents to be produced to Mr. Lewyn or Mr. Rowan?

A. For Mr. Lewyn to carry to Mr. Rowan.

Q. Where was Mr. Rowan?

A. In Newgate.

Q. Then you say that Lewyn asked for documents—what answer did Jackson make?

A. I recollect that he gave him his papers.

Q. Do you know that he did?

A. I cannot swear that I saw him deliver papers.

Q. Did Mr. Jackson tell you whether he had delivered him any?

A. He did.

Q. What were they?

A. I do not know.

*Chief Justice.* What did Jackson tell you?

A. That he had delivered some papers to Lewyn, and that he wished he had them back again.

Q. Did he tell you for what purpose he gave them, and why he wished to have them back again?

A. He said he would not trust them with Mr. Lewyn if he had them back again.

Q. Do you know whether he ever got them back?

A. I believe he did?

Objected by the prisoner's Counsel.—His belief will not do.

Q. Did he ever tell you whether he did?

A. Not directly in those words.

Q. In what words, or in any words did he?

A. I believe he did; I cannot say I ever heard him say so; I have every reason to think he did; I have no reason to think he ever said more to me.

Q. Can you recollect how soon after your arrival that conversation was?

A. Can you tell me the date of my arrival; it was either the second or third; and it might be either four or five days after.

Q. Had Mr. Jackson any interview with Mr. Rowan?

A. Yes, Sir.

Q. When had the first?

A. Do you ask me in point of date?

Q. If you can say in point of date.

A. I believe he had an interview within three or four days after our arrival.

Q. Were you present?

A. Yes.

Q. Had he no interview prior to that of which you speak:—Did Mr. Jackson tell you he had an interview with Mr. Rowan?

A. Yes,

A. Yes, He did, Sir.

Q. Did Mr. Jackson tell you what passed between Mr. Rowan and him at that interview.

A. He told me he was very well satisfied with Mr. Rowan; he was very much of a Gentleman: I do not recollect any thing more.

Q. Did Mr. Jackson tell you whether he was to see Mr. Rowan again or not?

A. He said he was.

Q. Did he tell you when the second meeting was to be, and what the object of it was to be?

A. What the object was to be:—no, I do not think he mentioned what the object was to be; I think it was to breakfast.

Q. But not with what view and intention.

A. No.

Q. Did he tell you what the business was to be; you and he went to Mr. Rowan in Newgate, how long was that after the first business?

A. A few days; within the compass of a week I am sure.

Q. Was any person with Mr. Rowan when you were there the first meeting you were at?

A. I cannot speak positively; there were two or three, and I believe a relative of Mr. Rowan.

Q. Did that relation continue there the whole time you were there?

A. No, he went away.

Q. Do you recollect if there was any one else there the first meeting you were at?

A. I think Mr. Tone was there.

Q. Do you remember the business of the first meeting?

A. It was about politics; Irish affairs. A great deal was said of the United Irishmen, of which society Mr. Rowan was, I believe, a member; some pamphlets were read; some other matters were talked of, such as the dissatisfaction of part of the kingdom.

Q. You say you were present at Mr. Rowan's at a time when Mr. Tone was present;—did you know previous to your going who was to be there—at that time did Jackson give you any information?

A. I cannot positively recollect that he said Mr. Tone was to be there.

Q. You met Mr. Tone there on some occasion?

A. Yes.

Q. Can you say for what Mr. Tone was there, or why Mr. Jackson was to meet Mr. Tone?

A. For

A. For what purpose he came there or was to be there—  
No; I do not think Mr. Jackson told me for what purpose he was to be there.

Q. Then for what purpose did that meeting take place between you four?

A. I shall be very little able to repeat it; for I did not particularly wish to make myself master of their conversation, not *in toto*.

Q. Will you be pleased to inform the Court and Jury what you recollect of the conversation?

A. There was some paper in the hand of Mr. Tone, read by Mr. Tone and Mr. Rowan, not so loud as I could understand it?

Q. Did you see that paper again at any time?

A. I had it once.

Q. Would you know it again?

A. I made no mark on it?

Q. Would you know it?

A. If I was to see it, Sir, I would give you an answer.

Q. You read it when you saw it?

A. No, Sir.

Q. Never read the paper?

A. I did not.

Q. What conversations passed at that meeting where Mr. Tone was?

(*Witness hesitated*). I do not mean to ask particularly as to the conversation of an individual; I wish you to understand me.—(*Witness hesitated again*).

A. Your question is?—The conversation among the three was forming a plan, and talking of a plan to send somebody to France.

Q. You had a conversation then about sending somebody to France; was any particular person mentioned to go upon that errand?

A. Mr. Tone was asked to go.

Q. For what purpose was he to go?

Mr. Curran objected to the question,—“what he understood?” for the witness should be able to speak positively, or not at all. (*Over-ruled by Chief Justice*) for the word *understands*, means no more than that one does understand what he hears.

A. Certainly in part of it.

Chief Justice. What do you mean by part?

A. They had a long conversation in a corner of the room; I could not pick out enough of it to enable me to say what it was.

Q. Do you know for what purpose he was to go?

A. I can only conjecture.

Chief Justice. Then that is no evidence.

Q. Did Jackson ever tell you for what purpose Tone was to go?

A. Not



A. Not directly so; from general conversations I recollect it in my own mind, but cannot say more.

Q. What did you understand from Jackson's conversation.

*Justice Downes.* What did he say?

A. I cannot repeat it.

*Chief Justice.* Can you say the substantial import?

A. The substantial import was—that he should go to France with that paper.

Q. Did Mr. Tone agree to go?

A. At one time he seemed to agree; but then he receded, and gave his reasons why he would not.

Q. Was Mr. Jackson present?

A. No, not at that time.

Q. Where was this?

A. At Newgate.

Q. Had you a meeting with Mr. Tone and Mr. Rowan when Jackson was not present—did you ever hear him give any reasons for going or not going, in the presence of Mr. Jackson?

A. Yes, at Newgate.

Q. Who was present?

A. Mr. Rowan, Mr. Tone, and myself.

Q. Was Mr. Jackson present at any time when Mr. Tone gave reasons for not going?

A. I cannot swear positively.

Q. Were you at Mr. Rowan's lodgings in Newgate at any other meeting than those you have mentioned?

A. How many have I mentioned.

Q. Did you ever see any other person present at any of the meetings?

A. Dr. Reynolds.

Q. Was Mr. Tone ever present when you saw Dr. Reynolds present?

A. Once he was.

[Here the witness hesitated a good deal and complained of want of recollection.]

*Chief Justice.* Mr. Cokayne you are a sensible man; why do you not adhere to the distinction between what is your belief, and what is certain?

A. It is a twelvemonth ago; and I have had a great deal on my mind, which has shattered my memory very much.

Q. You were present at several meetings at Mr. Rowan's, at which Dr. Reynolds was present; was Jackson present at any of those meetings?

A. I cannot swear positively.

Q. Did you go alone to the meeting?

A. I was alone more than once at Mr. Rowan's.

Q. I ask you whether you went alone to that meeting at which you saw Dr. Reynolds?

G

A. If

A. If I could have answered that Sir, I should not have given you the trouble of asking me again; I cannot tell whether Dr. Reynolds was with him at Newgate.

Q. Do you remember what conversation passed at those meetings where Dr. Reynolds was?

Mr. Ponsonby. The conversation of a third person can only be admitted when the party himself is present.

Q. Had you ever any conversation with the prisoner respecting Dr. Reynolds?

A. Yes.

Q. What was that conversation, the substance of it?

A. It was as to his being a proper or improper person to go to France.

Chief Justice. What did Jackson say on that subject?

A. That he did not so much approve of him as of Mr. Tone.

Q. Did he tell you why?

A. I cannot answer directly, that Mr. Jackson gave such and such, or any reasons, but I am convinced of them in my own mind.

Q. Did he tell you what he was to go for?

A. I cannot say directly; he was to go upon the same errand Mr. Tone was to go; to take some paper to France.

Chief Justice. How do you know?

A. Because that paper, whatever it was, was shewn and read in Newgate when I was there.

Q. Do you know from your own knowledge, or did Jackson tell you that Reynolds was to take any paper to France?

A. I cannot say that he said so *in hæc verba*; I cannot be so particular.

Mr. Ponsonby. You are asked to tell only the substance of what you heard from the prisoner, or somebody else in his presence?

A. I can't say, My Lord—the substance was—I forget them—but the substance was, that he was to go to France with some paper; I have heard it in general conversation, I have heard it alternately in conversation between these three, Mr. Tone, Mr. Reynolds and Mr. Rowan.

Mr. Curran objected to any conversation where the prisoner was not present.

Witness, (being questioned by the Court) Mr. Tone left town abruptly.

Q. What did you learn from Mr. Jackson relative to the paper which was to be taken to France?

A. It is impossible for me at this distance of time to recollect any thing, so many conversations took place.

Q. Did

Q. Did Jackson in any conversation tell you for what purpose it was to be taken to France, and to whom?

A. To the French Convention, I believe.

*His belief was objected to by the prisoner's Counsel.*

Q. Did he tell you in any conversations for what purpose he was to be sent, you have already said he did not approve of Reynolds so much as of Tone.

A. I do not know how to answer, there are so many answers to be given to the question.

*Chief Justice.* Did you learn from any information of Jackson for what purpose it was?

Mr. Curran reminded the witness that something might be collected from inference, which would be improper to go to the jury as evidence in direct examination.

Q. Then in any conversation, did Jackson make you understand unequivocally what the meaning was?

Mr. Curran apologized for objecting to this question;—because it was one of that sort for which the answer of the prisoner, let that be true or false, could never subject him to an indictment for perjury.

Q. Did Jackson ever tell you to whom Tone or Reynolds were to go in France?

A. I cannot say more than this: That I understood from general and constant conversation, that he was to go with some paper to France; I can go no further than this, I can say it no other way?

*Chief Justice.* Can you recollect the purport of any conversation in which Mr. Jackson substantially said to you any, and what things?

A. My own words must be inferences from his words, and his words I cannot recollect.

Q. What was the import of the written instructions to France?

A. I do not know: they were written instructions, but I do not know what they were.

Q. Were any expressions of encouragement used to induce Mr. Tone to go, and by whom?

A. By the prisoner and Mr. Rowan.

Q. When Mr. Rowan used the expression, was Mr. Jackson present?

A. At some of them.

Q. What were the encouragements that Jackson held out to him?

A. That he would find the French a generous, and I think he said, a brave people.

Q. Was there any thing in the conversation that led Jackson to that?

A. What brought that speech from Mr. Jackson, I presume, was Mr. Tone's refusing to go.



Q Upon that Mr. Jackson used expressions of encouragement, and what were they?

A. That the French were a generous, and I think, a brave people.

Q. Do you know whether he used any persuasions to Dr. Reynolds to go?

A. The general conversation was encouraging Tone to go, and Reynolds too.

Q. Did Jackson encourage Reynolds?

A. Not much, he did not like him.

*Witness* then proved Mr. Jackson's hand writing on a letter, No. I. and a paper No. II. marked A; also a letter of the 24th of April, to BENJAMIN BERESFORD. He was about to prove his own hand-writing to another letter, which was objected to, because it would be giving the letter in evidence.

Q. By whose direction did you write that letter?

A. The prisoner's.

Q. From what did you write it; is it a copy or an original?

A. A copy.

Q. From what is it copied?

A. From a letter in his hand-writing.

Q. Who gave you that letter in his hand-writing to copy?

A. The prisoner.

Q. Did you take a just copy?

A. I believe so.

Q. You believe it is a just copy, whose hand-writing is that?

A. Mine.

Q. What was done with that copy after you made it?

A. It was conveyed to the Post-Office.

Q. Who sealed it?

A. The seal is so much effaced, I cannot tell.

Q. Pray Sir, when you first received that original, what did you do with it—he gave it to you to copy, was that at night or in the morning?

A. I think it was in the morning.

Q. Did you sit down immediately to copy it, or did you make any other use of it?

*The Witness here paused and seemed agitated.*

*Chief Justice.* Where was it written?

A. In Dublin.

Q. Did you shew the original to any person before you copied it?

*Witness* faltered here again; when pressed to answer the question, said

A. If I did, it must have been to Mr. Hamilton.

Q. Did

Q. Did you shew it to Mr. Hamilton ?

A. I believe so: I think I carried this very letter.

*Counsel.* Recollect yourself.

A. I verily believe I did.

Q. Can you recollect whether you carried any other letter ?

A. No, and that makes me think it was this.

*Chief Justice.* In whose hand-writing was the letter you carried to Mr. Hamilton ?

A. In the prisoner's.

Q. Did he keep it then, till you came again; or did he give it back to you ?

A. He kept it till I came again.

Q. You gave back the original to the prisoner ?

A. Yes.

Q. Do you know what Mr. Hamilton did with it ?

A. He took a press copy of it.

Q. Can you say what it was he took a press copy of ?

A. The original of that paper.

Q. Did you shew it to any person after you left Mr. Hamilton ?

A. No.

Q. Who put the letter into the Post-Office.

A. I do not know: it went to the Post-Office, but I do not recollect by whom; it was written in the presence of the prisoner, and sent away by his direction.

He then produced a letter marked No. IV. dated 21st of April, one cover directed in his own hand-writing, by the prisoner's direction.

Q. Was that put into the Post-Office ?

*Witness.* Of what date is it? was told it was dated the 21st of April, but ends on the 24th:—the inside direction was Jackson's hand-writing the outside was the witness's.

Q. Do you know of that being sent to the Post-Office ?

A. There were several letters sent by the servants of the Hotel, and some that I put in myself, I cannot tell which that is, as it has no mark on it.

Q. Did you put in any by the prisoner's direction ?

A. Yes, but cannot identify which.

*Witness.* then proved a letter marked No. V.

Q. You see that paper with a cross upon it, now look upon that cover, whose hand-writing is that ?

A. Mine.

Q. By whose direction did you superscribe that outside cover? understand me; the superscription is yours, you wrote it on this paper, by Jackson's direction, that other paper

paper is enclosed in it; did you ever see the enclosed paper before?

A. No, I never saw it before.

Q. Now, Sir, look upon that other cover, did you write that?

Witness then proved another paper, marked D.

*Attorney General.* This is a letter containing two covers, so that there is upon one letter two covers, each of which you wrote, and upon the other one cover, which you directed; can you say whether these were both done the same day or not?

A. I know I did write or superscribe four or five letters in one day by his direction; but cannot say any thing more.

Q. Do you remember whether Mr. Jackson refused to let you carry letters to the Post Office which he superscribed?

A. I am not certain of it, I do not recollect.

Witness then proved the letter to Horne Tooke, from Mr. Stone, of Paris.

*Cross-examined by Mr. CURRAN.*

Q. Do you not believe the prisoner is a native of Great-Britain?

A. I believe he was born in Ireland.

Q. You do believe he was a native of Ireland?

A. I always thought so.

Q. The first meeting you mentioned, you seemed not to recollect, whether Mr. Lewyn was present or not.

A. I am not certain whether he was there at first, whether he dined there?

Q. You knew Mr. McNally in London, when he was at the English bar?

A. I did.

Q. He was counsel at Lord Hood's election?

A. I believe he was; I think, I saw him on the Husting.

Q. You knew him there, and upon that ground he asked you to dine?

A. I do not know.

Q. Did you apply to him upon any business?

A. I did.

Q. And you dined at his house?

A. Yes.

Q. And do not recollect whether Mr. Lewyn was there or not, do not you think your recollection is very bad as to things happening a year ago, when in a company consisting  
of



of Mr. Simon Butler, Mr. McNally, Mr. Jackson and yourself, you cannot recollect whether Mr. Lewyn was there.

A. I have already said, that I cannot be positive, I am pretty sure.

Q. You said your recollection had been pretty much shattered?

A. I did, by this transaction, it hurts my mind more than I can say, to see that gentleman in that situation.

Q. Have you no feelings of anxiety about yourself?

A. I ought to have them; I have had a good deal; I have more than once thought my own person in danger?

Q. Do you consider it out of danger now, Mr. Cokayne?

A. I hope so.

Q. Are you pretty sure, or is it only a general notion, why do you think so?

A. I do not see any person to offend me.

Q. To offend you; is there no particular fact upon which you found a good prospect of security?

A. No particular fact: I did understand the country was in a state of disturbance, such as I have not found it to be.

*Chief Justice.* I thought the danger Mr. Cokayne alluded to, was the danger of being an accomplice, but he puts it upon the state of the country.

Q. Did you conceive the danger I alluded to, was any offence you might meet with from the public disturbers, and not on account of your own connexion in these criminal facts?

A. No.

Q. By the virtue of your oath, are you not now thinking of a danger to yourself, with which the danger of the country or public disturbers of it has nothing to do, do you not know Sir, that you are an accomplice in this crime?

A. I have often considered myself so; more, I think, than the Law officers did.

Q. Do you come forward to-day with no other motive than the love of public justice?

A. I have a very heavy weight of recognizance upon me, more than your language can express, or my words; I came forward reluctantly to give evidence against a man I have lived in intimacy with.

Q. Did you always fully declare the evidence that you were really to give on the subject?

A. Did I always declare—to what and to whom?

Q. Did you always, when interrogated on this subject, fully declare what evidence you could and would give?

A. I do not understand: I always gave, when I was asked, such answer as my mind suggested.

Q. Were

Q. Were you examined before?

A. Yes,

Q. Where?

A. At the Castle.

Q. Did you state your evidence there fully and voluntarily?

A. Not so much perhaps as would have been wished, I signed the examinations which my Lord Chief Justice prepared under my evidence.

Q. Did you do it voluntarily?

A. There was no force upon me.

Q. Was there no terror or menace made use of?

A. I believe that when under examination, I very much hesitated to sign it; and declined it as much as in my power, for I was unhappy in the thought of it; and I believe my Lord Chief Justice said, that I should know I was in their power as to committing me, if I did not swear.

*Chief Justice.* Recollect yourself.

Q. What was said to you touching the power of committing you?

A. I hesitated in signing the examinations, which, after they were sworn at the privy council, my Lord Chief Justice was obliging enough to alter very much, to the way in which I was willing to sign them; I was pressed very much by the privy council, I believe my Lord Chief Justice's patience was exhausted, and he said, "do not you know that you are in my power?"

Q. Upon your oath, what danger do you conceive you was threatened with, was it the danger of being charged with the same crime?

A. I did conceive so; the Attorney General was present.

Q. Then you did not sign it *there*.

A. No, I signed it at Lord Clonmell's House.

Q. I think you said something of your having come over into this country to defeat any designs of Jackson's respecting provisions?

*By the Court.* Did you sign your examination the day you swore it?

A. No, two or three days afterwards.

Q. You followed Mr. Jackson then over to Ireland to counteract any schemes of his, respecting provisions to be sent to the enemy?

A. I thought it my duty, as having taken the oaths of allegiance three times to the King, and upon that reason alone I first applied to Government

*Chief Justice.* Recollect yourself Mr. Cokayne, and Mr. Attorney General will put you right: when you talked of being in any body's power, was it for not signing an examination

mination you had before given, or for fear of being charged with the crime?

Q. *By Counsel.* Your sole reason was your having taken the oath of allegiance three times?

A. It was.

Q. To whom did you first apply?

A. To Mr. Pitt.

Q. Jackson was your client, and had been so for many years,

A. Yes, and my intimate friend.

Q. You were to get nothing for this discharge of duty?

A. No.

Q. Nor any promise made of any thing?

A. None, I wrote to Mr. Pitt that there was a person of the name of Jackson coming over to Ireland for such purposes, that he owed me a sum of money, and that if I lost that I should think it hard, being a large balance of a settled account, it was very near 300*l.*

*Chief Justice.* Did you mention that in your letter to Mr. Pitt.

A. No, in conversation.

Q. What was Mr. Pitt's answer?

A. You must not be a loser.

Q. What was your demand?

A. 300*l.* I think it was.

Q. By virtue of your oath, what was the sum you told Mr. Pitt that Mr. Jackson was in your debt.

A. Upon my oath, I believe I told him it was out about 300*l.*

Q. Did you tell any body else that you named 600*l.*

A. Never to my knowledge.

Q. Then you came over to Ireland with Mr. Jackson.

A. Yes,

Q. You did not understand that you were to be paid this debt, in case you survived Mr. Jackson, as a loyal subject.

A. I never thought of it in the way you put it; I did not think Mr. Jackson would be in the situation in which he is, or that I should ever be brought here to give evidence against him.

Q. You are a practising Attorney in England.

A. I am,

Q. You expected no reward for the trouble you were to take?

H

A. Yes,



A. Yes, I expected to be paid as I should be paid for any other trouble.

Q. So you left your business in England, to be a spy upon upon your friend and your client, for the ordinary reward which you would get in any common business.

A. Yes,

Q. Did you ever obtain a pardon and for what ?

A. For acts of treason committed by myself.

Q. For any treasons in committed in England.

A. No.

Q. Were you originally a professional man ?

A. I never followed any other business.

Q. Did that pardon go to any conviction of perjury ?

A. No, I fancy not.

Q. Have you been tried for perjury ?

A. Yes,

Q. Perjury in what ?

A. In an affidavit which I swore.

Q. When were you tried ?

A. In 1793.

Q. I ask you Mr. Cokayne, by the virtue of the oath you have taken, did you tell to any person that that affidavit was in fact false.

A. I will apply to the court whether I ought to answer that.

Q. Did you ever confess you were guilty of that charge the trial ?

A. I was acquitted, and I hope honourably,

Q. Is that your name ? (shewing him a paper.)

A. It is.

Q. You say you were acquitted honourably.

A. I hope I was.

Q. Did you ever mention to any person that that affidavit was false ?

A. I do not know how to answer that.

Q. Why do not you answer it ?

A. I was honourably acquitted upon the merits as ever any person was.

Q. Did you ever tell any person that affidavit was false, for this will explain your notion of an honourable acquittal ?

(*Interrupted by the Court.*)

Mr. Curran. My Lord, this seems an experienced Gentleman in such matters,—repeating the question.

Chief Justice. I think he has a right to open the business, so as to explain.

Witness. The Indictment was for that affidavit shewn me ; it was in an action of an Attorney of the name of Fletcher

Fletcher for a bill of fees, there was a summons to tax his costs, I swore that I attended at the Office from the hour of six till seven, the business was concluded and sworn before the Master, as if that attendance had taken place; and the perjury was neither wilful nor corrupt. I could not prove that I was there a whole hour, from six till seven, and the Court, seeing that there could be no advantage to me or my client, acquitted me; there is a person of the first reputation, who is come from London without any process, to rescue my character, and I hope the Court will hear him.

Q. Did you ever tell Mr. Naylor that that affidavit was not strictly true?

A. I have already explained that matter: I was there twenty minutes short of the time: he lugged me before a Court of Justice, and destroyed my character as much as he could.

Q. Did you tell Mr. Naylor that that affidavit was false in fact?

A. I dare say: I do admit it with all its pains and penalties, I might have got rid of the indictment by two fatal law objections, there was a judgment, a material piece of evidence, which they neglected to bring into court; Mr. Garrow was my counsel, and made the objections, but I said that I would be acquitted on the merits; or else hold by the consequences.

Q. Pray Mr. Cokayne, had you ever any promise of a reward from Mr. Pitt?

A. I do not I think I had.

Q. Did you ever say you had?

A. No.

Q. Did you state to Mr. Pitt, that the debt of Jackson was 300*l*.

A. If Mr. Pitt pays me the debt Mr. Jackson owes me, it is all I wanted: I would scorn to tell him for any considerable sum that he owed me more than he did.

Q. You would scorn to come here from any pecuniary motive?

A. I would; either to come or to stay, I would scorn to come on such a motive. This is to me the severest day I ever saw.

Q. Do you think Jackson was likely to pay his own debt, was he in such circumstances?

A. Certainly.

Q. Had you any quarrel with the Attorney that prosecuted you?

A. No. He ran away a little afterwards, he carried one of the witnesses with him.

Q. Pray Mr. Cokayne, did you know any of the contents of any of any of the letters you put into the Office?

A. I wish Sir, you would call to any particular one, and ask me as to that.

Q. Some of those which have two envelopes—do you know the contents of them?

A. No.

Q. Do you know the persons for whom the were addressed?

A. No.

Q. Did you know there were orders at the Post-Office to intercept any letters that should be written to such person by Mr. Jackson?

A. I knew it after I came here.

Q. (*Shewing him the letter marked D.*) Did you know there were orders, when you delivered this, to intercept it?

A. I did.

Q. Then you did not put in any of these, with intention they should go to any enemy of his Majesty?

A. I cannot tell what became of them afterwards.

Q. But you had no design that they should go to the enemy?

A. I knew they could not do that, for I had counteracted it.

Q. I am not to be referred to your reasoning—answer, yes, or no: Did you put them into the Post-Office with an intent that they should go the King's enemies?

A. No, I took means to prevent that.

Q. Nor that any information should be thereby carried to the King's enemies?

A. Surely not.

Q. Nor that any information should be given to any foreign powers, touching the state of this country?

A. Surely not.

Q. Nor any war levied against this country, touching the government of it?

A. Certainly not.

Q. You went sometimes to the prison by yourself?

A. Yes.

Q. Why so?

A. By the direction of Mr. Jackson.

Chief Justice. Did Mr. Jackson know that these letters were to be intercepted?

A. No.

Q. (*By a Juror, Mr. Cowan.*) Your sole motive was to counteract Mr. Jackson—how has it happened that you gave so poor an account of many of the transactions, seeing that you came for the purpose of giving evidence for government?

A. I gave



A. I gave government as much intelligence as I could ; but did not expect to be called on as a witness on a trial.

Mr. SACKVILLE HAMILTON, *examined by Mr. PRIME*  
SERJEANT.

Q. Have you been in Court, Sir, during the examination of Mr. Cokayne ?

A. Yes.

Q. Have you seen him before ?

A. Yes.

Q. Upon what occasion did you see him ?

A. I received a letter from Mr. Nepean, the under Secretary.

*Chief Justice.* In what situation are you, Sir ?

A. I was then in the department of under Secretary, am at present in no official situation—it was then the month of April, 1794.

Q. Did Cokayne bring you any papers ?

A. He brought me a letter of recommendation and introduction, upon his first arrival.

Q. Did he afterwards call on you with any papers ?

A. The day these letters were intercepted was the 24th—on the 25th he enquired whether they were intercepted, and shewed me an original draft, directed to a gentleman not in Ireland ; but understanding my situation, he shewed it to me merely to introduce himself to me.

Q. Of what letters did he ask : were they intercepted ?

A. Letters which he told me.—[*Stopped by the prisoner's Counsel.*] What he told you cannot be evidence.

Q. Did he give you any original paper ?

A. Yes.

Q. What did you do with it ?

A. Took a press copy of it in the room.

Q. Have you that press copy ?

A. I have.

Q. When did he give you that ?

A. On the morning of the 25th.—[Here he produced the press copy of the letter, which not being legible throughout, was rejected as not being evidence.]

Mr. Hamilton was not cross-examined.

*Third Witness for the Crown, Mr. DEJONCOURT, examined by*  
the SOLICITOR GENERAL.

Q. What is your situation in this country ?

A. I hold an office in the Post-Office.

Q. Then

Q. Then you have access to any letters that may be put in ?

A. Yes, I am Deputy Comptroller.

He produced letters, No. 3, 4, 5 & 6.—No. 3, was directed to Messrs. Laurence & Co. which he found in the Post-Office on the night of the 24th of April.

Q. You had a conversation with somebody, which induced you to pay attention to them ?

A. I was ordered to have attention to them.

Q. You had previous orders to have attention to letters of that description ?

A. Yes.

Q. What were your orders ?

A. To open letters directed to Messrs. Laurence & Co. and I had also orders to open several others.

Q. The orders were from government ?

A. Yes.—[He then proved No. 4, directed "to Lawrence & Co. of Rutland-Place, at their Coal-Wharf near London-Bridge."

Q. Was that enclosed in it ?—[Shewing the inclosure directed to Mr. Stone.]

A. It was.

Q. Is there any thing further ?

A. There is an inclosure in that, which is part of the same letter.

Q. Is the inside inclosure directed to any body ?

A. No—it appears part of the same letter.

Q. Go on to the rest—what is that ?

A. No. 5, directed to Messrs. Texier, Angely & Massac, Amsterdam, and an inclosure sealed, directed to Monf. Daudescaille, Amsterdam; the paper within the second inclosure had a cross upon it, directed to Monf. Chapeaurouge, at Hamburgh, and in it a sealed enclosure on which there was a cross.

Q. Did you find them all on the same day ?

A. All on the night of the 24th of April.

Q. Who did you hand them to ?

A. I handed them over in that state to Mr. Sackville Hamilton.

It was now required by the prisoner's Counsel, that all the letters should be described before reading.

*Solicitor General.* Cokayne has proved that No. 3 was written by the prisoner, and copied by him, (the witness) and was sent by the direction of the prisoner at the bar.

## L E T T E R, No. III.

Addressed to Mr. Beresford, Basle, in Switzerland.

" Dublin, 24th April.

" S I R,

" YOU are requested to see Mr. Madgitt directly, and to inform him that two papers, containing the opinions of two of the first counsel in the kingdom, relative to the family law-suit, are sent over to him by this post. Mr. Madgitt has been wholly occupied since his arrival, in attending consultations and collecting the necessary materials. Your brother-in-law, with whom your friend Madgitt has been, has obtained the opinions of all good and honest lawyers on the subject; he may, therefore, pursue the recovery of his fortune, by hostile or pacific means, as he and his friends think proper.

" N. B. Your brother-in-law has written to your wife, in order to find out the sex of your child. I am told it is a fine boy, the picture of its father; in every respect sound except the brain."

## L E T T E R, No. IV.

The outside cover of this Letter was directed to Messrs. Lawrence & Co. the inside to Mr. William Stone, sworn to be in the prisoner's hand-writing, but directed by Cokayne, which was stated to have been dated on the 21st of April, but not sent off till the 24th.

" Dear Sir,

" YESTERDAY your letter was delivered to me. I am glad to find the papers have reached the parties for whom they were intended. From the silence of the parties, I was apprehensive the outrider had neglected the delivery. I do not see any thing in the late change of fashions, which alters my opinion of the stability of the new institution, particularly as the firm of the house is still the same, and the opinions of the principals remains unchanged. In them I never have been able to detect the least inconsistency. The rest have been guilty of tergiversation.

" The state of manufactures in England, which your friend drew up, is very just, so far as it relates to England; but the opinions of the people of England, with respect to the trade of your country are changed, so as to leave no hope of co-operation; yet there are different opinions as to a treaty to be brought about by industry. I am promised a statement of the manufacturing branches here, which shall be sent to you, drawn by a sensible and able manufacturer. I shall obey the directions of your Sister-in-law, by not writing to her, which does not however preclude me from requesting that you will remember me most affectionately to them and Mr. Nicholas,



Nicholas, let them know that I am well, and that I am doing every thing in my power to serve them. It is in agitation to send a person with copies of such covenants and leases as will shew the readiness of his Sister-in-law to come to immediate terms with him. I should advise a junction of interests, rather than a tedious Chancery suit; copy these I send to them. A few days will decide whether the person will go or not. If he should go, he will go from him, and the family here, with full power to treat with Mr. Nicholas, finally settle the terms, thus put an end to enmity, and bring the parties to accord; one interview is better than a thousand letters, Mr. Nicholas will receive him well, and treat him as he deserves. He has this morning decided, that his private affairs will not permit him to go; I shall therefore send a statement of the family expectations, drawn up by as eminent a pleader, as the gentleman who composed the paper in England.

"I will set out for Cork in a day or two; from which place you shall hear from me, and should you receive any intelligence from or of our friends, communicate it to me, under cover to John Cokayne, Esq; to be left at the Post-office, Cork.

"I wish you would write the first post-day to your Sister-in-law, and tell her to inform Mr. Nicholas that to-morrow I send the two letters from his friends, containing two opinions of the first Counsel, truly digested. As my time has been wholly occupied in collecting them, and they come from the first and most enlightened sources, let your Sister-in-law tell Mr. Nicholas that they contain the whole statement of the case, and to look for them as matters of consequence."

THOMAS MC. CLEAN, *fourth Witness, one of his Majesty's Messengers resident in London, examined by Mr. FRANKLAND.*

Q. Did you ever see that paper? (shewing a paper.)

A. Yes, Sir.

Q. Where did you find it?

A. In the possession of Mr. William Stone, of Old-Ford, in his library, or in some one of his rooms.

*Cross-examined by Mr. PONSONBY.*

Q. Where was it found, Sir?

A. At Old-Ford, in England.

Mr. *Ponsonby* objected to the reading this, because it was neither found in the prisoner's custody, nor in the county, nor even in the kingdom where the treason is said to be committed, and cited *Henley's Case*, 1st Burrow. p. 641.

*Chief Justice.* You offer this evidence too soon—you must first prove your overt acts.

Mr. *Frankland.* We offer it in order to prove this letter marked with a cross—we have read the letter to Stone.

*Chief*

*Chief Justice.* Suppose this had gone to the hands to which it was directed, would it not be evidence?

*Mr. Ponsonby.* The bare hand-writing, without any thing else, has never been held to be evidence.

*Chief Justice.* Beyond a doubt, *scribere est agere*, in treason.

*Mr. Ponsonby.* That rule was never laid down yet, in such general terms but in Algernon Sidney's Case, where the attainder was afterwards reversed.

*Mr. Attorney General.* There is an overt act laid, to support which two papers are proved, to shew the intention of the writer, and to give credit to Jackson's having correspondence with the two persons to whom the papers are directed; with that view we shew a certain paper in the hand-writing of Jackson, found among the papers of his correspondent Stone, informing him that he was arrived in Ireland; warning him to make no further use of the addresses; and other circumstances tending to shew that he was the medium thro' which such correspondence passed. We do not contend that this is to be given in evidence, substantially, and standing by itself; but going to support the facts stated. It is not necessary that the hand-writing of the prisoner should be found upon him, for then all those papers found in the Post-Office, upon which so many men have been convicted, must have been improper evidence. The distinction is, where a man writes a paper and parts with it, it is evidence against him, it is not offered now as evidence of an overt act; but as a piece of evidence coming from the party accused, to be made use of concurrently with other evidence to the same effect; therefore, unless some case has been cited to contradict this, it should be read.

*Mr. Ponsonby.* This, like every other thing offered in evidence, whether oral or written, is either legal or not. It will not do to say, that it is to make a part of the overt act, or to confirm the overt act. An overt act cannot be substantiated by three or four, or nine pieces of paper, unless each is in itself legal and admissible evidence; it cannot be pieced up in this manner. And this paper is not proved ever to have been published by the prisoner, nor even to have been in the kingdom of Ireland, much less in the county where he is charged to have committed the treason. And see what the determination was in my Lord Preston's case. It was then thought necessary, that there should be an overt act in the county where the crime was committed, and the court confirmed this objection in the general, by shewing as a reason why in that instance it could not avail, on account of the defendant's having taken boat in Middlesex, in pursuance of his treasonable design, which was, they held, sufficient evidence of an overt act in Middlesex, already proved in the county, without resting upon the papers found elsewhere.

*Justice Downes.* How? He took boat in Middlesex, with the papers on him. And were not the papers admitted against him in Middlesex where the indictment was laid, because they were evidence shewing the intention with which he committed the overt act in Middlesex, namely, the taking boat.

*Chief Justice.* There is nothing said which does not assimilate this to the case of the King against Hensley. It is either introductory or corroborative. Introductory to what? to one of the counts, either for adhering to the King's enemies or compassing his death. What then is the evidence? That he had given information to the enemies, in order that they might invade the country. You may, perhaps, be able to explain that, and shew an intercourse and correspondence between Mr. Stone and the prisoner at the bar respecting manufactures and law-suits, which may not be at all criminal. Papers are found, and, it cannot be denied, in the hand-writing of your client, and in the hands of his correspondent, to whom it is proved that he wrote letters. Therefore this is evidence. But it is only evidence of a correspondence in the first instance. How far the contents may go in explanation, or contradiction, can only appear by reading the letter.

*Mr. Ponsonby.* Your Lordship sees this must be considered as a mere unpublished paper. No act has been proved with respect to it. It is a naked paper proved to be in the hand-writing indeed of the defendant, but found in the possession of other persons, and never uttered by him. I do conceive that the rule of *scribere est agere*, is a rule which only applies to the case where the charge is conspiracy.

*Mr. Justice Downes.* I do not find any weight at all in the objection. In Lord Preston's case, they must have suppressed every part of the case, except taking boat and going from Essex. If they had suppressed the letters, there could have been no evidence at all of any treason.

*Justice Chamberlaine.* This is read only to shew, *quo animo*, the letter was directed to Stone; and being in the hand-writing of the prisoner, is evidence to go to the Jury. The only question is, whether a paper in his hand-writing in England, may not be read to explain that which he has done or written in Ireland.

The paper No. 2, was then read. It contained two different directions, left with Mr. Stone, of Old-Ford, for the forwarding them to correspondents abroad, and for forwarding them under a cover to Mr. Daubuscaille, to be enclosed to Messrs. Texier, Angely et Massac, at Amsterdam; and a second address à Monsieur Chaupearouge, à Hamburgh.

EDWARD LAUZAN, *one of his Majesty's Messengers, sworn.*

Said he was one of his Majesty's messengers, and had found some papers at Mr. Stone's apartments, near Black-Friars Bridge.

[The Jury here were permitted by the Court, and by consent of both parties, to withdraw, in order to take some refreshment; and  
being



*being called over on their return, and having answered to their names, the letter, No. 1, was read, directed to Mr. Stone, dated 5th April, 1794, and superscribed by Mr. Jackson, and signed*  
 THOMAS POPKINS.]

It is as follows :

“ Dear Sir,

Dublin, 5th April, 1794.

“ OWING to a variety of incidents, which I will explain, when I shall have the pleasure to see you, I have been prevented from writing till the present moment. Some very kind friends, to whom I owe most particular obligations, being apprised of my arrival, have endeavoured to render me service—and were their power equal to their wishes, I am confident I should experience the benefit of their good intentions : Accepting, as I do, the will for the act, they have a claim on my gratitude.

“ I must request you not to make use of any of the addresses I left you, the price and nature of the articles being entirely changed. You will have the goodness to enclose your letter or letters to me, under a cover thus directed—John Cokayne, Esq; Hyde’s Coffee-house, Dame-street, Dublin.

“ Pray write immediately. I request, my dear sir, that you will dedicate a moment by the return of Post, in acknowledging the receipt of this letter ; and if you have any letters from the family at Shields which regard their affairs in this country, you cannot too soon enclose them to me, as the affizes at Cork are about to commence.

“ In the course of a very few days I will give you some information respecting the bills which you commissioned me to present. I hope your lady enjoys better health, and with sincere wishes for her and your happiness, I request you to believe me your real friend.

“ THOMAS POPKINS.”

*Sixth Witness,* OLIVER CARLETON.

Q Were you employed in, or do you know any thing of the arrest of Mr. Jackson ?

A. I arrested him in Hyde’s Coffee-house, 28th of April, found the papers on the table, in the room in which he was in bed, and some more in the trunk, and a pocket-book, with some bills and papers in the trunk.

[*Papers were shewn to the witness.*]

Q. Do you know those papers ?

A. Yes.—I found these on Mr. Jackson’s table.

*Cross Examined by Mr. PONSONBY.*

Q. Was the room locked ?

A. No, he was in bed, the door was not locked nor bolted. (Some objection was made to the reading these papers which was overruled).

Q. (*By a Juror.*) Was there any other bed in the room ?

A. No.

*Prisoner.* You must have forgot Mr. Carleton, there was another bed, you must have mistaken.

Q. How

Q. How did Mr. Jackson appear ?

A. He seemed very much surpris'd ; and asked me why I took his papers, I said I had a Judge's warrant.

*Prisoner.* You talk of my agitation : did I or not, when you had taken the papers from the dressing table, voluntarily offer you the key of my Portmantua, that you might open it ?

A. It is true : The prisoner was very uneasy about one or two particular papers, but did not point them out.

Upon this the prisoner appealed to the candour of the Attorney General, whether there were not among the papers found, and actually in his the Attorney General's possession, some of a private nature.

MR. ATTORNEY GENERAL candidly admitted, that there were one or two papers of a private nature, that might give occasion for such uneasiness in the prisoner.

*Seventh Witness,* RUBEN SMITH.

Proved Stone's Letter, Signed " ENOTTS."

Q. Do you know the Partners of Lawrence and Co.

A. Mr. Stone was a partner.

Q. Is that signature in his hand-writing ?

A. I think the paper is his hand writing, the signature is so reversed, that I cannot positively say as to it.

It was then read.

TO MR. THOMAS POPKINS.

" DEAR SIR,

" April 11, 1794.

" I YESTERDAY received your's of the 5th inst. I am happy you find yourself so agreeably situated where you are. I have received no letter for you ; but the day after you left me, I received one to say your first letters were received. I have received another since, in which mine was acknowledged which I wrote the post after Gillet was with us, but no mention was made of any other. I have not made use of what you left with me, what a wonderful change there is in the family. Will it tend to good ? I confess I think better of it now than before. I want what you possess a knowledge of the several branches of it to form a proper judgment of the conduct in the last fracas.

" Political affairs seem taking a strange turn, if we take into our view the great whole. I cease to wonder at any thing, we seem I think to be the only party resolved to go on with vigour. The King of Prussia publicly avows his disinclination, and I think the French as well as the Emperor shew it by their inaction ; but to what can the proscription now going forward in Paris tend, will it purify them and make their conduct less exceptionable and their government more fixed and permanent. I really feel a kind of awe in thinking on those subjects, and see every day new matter to astonish me.—We are all tolerably well,

" I remain your's, very truly,

W. ENOTTS.

" P. S. Since writing the above, I have received a letter in which is, ' I have received our friend's letters, and you must tell

tell him, that having given them to the proper people, he must in future address his friend Nicholas and not me; and in the conclusion he particularly requests he may not be written to.—I feel particularly happy that the several letters have been received, and I trust that in the peculiar circumstances of the family they will produce proper effects."

(No. 5.) Was then read, one of those which was stopped by *Dejancourt*, directed to *Texier*, *Angely*, and *Massac*, at *Amsterdam*, on the outer cover—on the inside directed to *Monsieur Daudebuscaille*, *Amsterdam*, marked with a cross, agreeable to the directions left with Stone, within which is in *Cokayne's* hand-writing. "Remember me to *Laingnelot* and all friends"—by *Jackson's* direction.

It had no dates or signatures, and was as follows :

"THE situation of England and Ireland is fundamentally different in this:—The government of England is national, that of Ireland provincial. The interest of the first is the same with that of the people—of the last directly opposite. The people of Ireland are divided into three sects: the Established Church, the Dissenters, and the Catholics; The first infinitely the smallest portion, have engrossed besides the whole church patronage, all the profits and honours of the country exclusively, and a very great share of the landed property. They are of course aristocrats, adverse to any change, and decided enemies to the French Revolution. The Dissenters, who are much more numerous, are the most enlightened body of the nation, they are steady republicans, devoted to liberty, and through all the stages of the French Revolution, have been enthusiastically attached to it. The Catholics, the great body of the people, are in the lowest degree of ignorance, and are ready for any change, because no change can make them worse. The whole peasantry of Ireland the most oppressed and wretched in Europe, may be said to be Catholic. They have within these two years received a certain degree of information, and manifested a proportionate degree of discontent by various insurrections, &c. They are a bold hardy race, and make excellent soldiers. There is no where a higher spirit of aristocracy than in all the privileged orders, the clergy and gentry of Ireland, down to the very lowest; to countervail which, there appears now a spirit rising in the people which never existed before, but which is spreading most rapidly, as appears by the Defenders as they are called, and other Insurgents. If the people of Ireland be 4,500,000, as it seems probable they are, the Established Church may be reckoned at 450,000, the Dissenters at 900,000, The Catholics at 3,150,000. The prejudices in England are adverse to the French nation under whatever form of government. It seems idle to suppose the present rancour against the French is owing merely to their being republicans; it has been cherished by the manners of four centuries and aggravated



vated by continual wars. It is morally certain that any invasion of England would unite all ranks in opposition to the invaders. In Ireland, a conquered, oppressed and insulted country, the name of England and her power is universally odious, save with those who have an interest in maintaining it: a body however only formidable from situation and property, but which the first convulsion would level in the dust; on the contrary, the great bulk of the people of Ireland would be ready to throw off the yoke in this country, if they saw any force sufficiently strong to resort to for defence, until arrangements could be made.

“The dissenters are enemies to the English power from reason and from reflection, the Catholics from a hatred of the English name; in a word, the prejudices of one country are directly adverse, of the other directly favourable to an invasion. The government of Ireland is only to be looked upon as a government of force, the moment a superior force appears, it would tumble at once, as being founded neither in the interests, nor in the affections of the people. It may be said, the people of Ireland shew no political exertion. In the first place, public spirit is completely depressed by the recent persecutions of several. The convention act, the gunpowder bill, &c. &c. Declarations of government, parliamentary unanimity, or declarations of grand-juries, all proceeding from aristocrats, whose interest is adverse to that of the people, and who think such conduct necessary for their security, are no obstacles; the weight of such men falls in the general welfare, and their own tenantry and dependants would desert and turn against them, the people have no way of expressing their discontent *civiliter*, which is at the same time greatly aggravated by those measures, and they are on the other hand in that *semi-barbarous* state which is of all others, the best adapted for making war. The spirit of Ireland cannot therefore be calculated from newspaper publications, county meetings, &c. at which the gentry only meet and speak for themselves.—They are so situated that they have but one way left to make their sentiments known, and that is by war.—The church establishments and tythes are very severe grievances, and have been the cause of numberless local insurrections; in a word, from reason, reflection, interest, prejudice, the spirit of change, the misery of the great bulk of the nation, and above all, the hatred of the English name resulting from the tyranny of near seven centuries, there seems little doubt but an invasion in sufficient force, would be supported by the people. There is scarce any army in the country, and the militia, the bulk of whom are Catholics, would to a moral certainty refuse to act, if they saw such a force as they could look to for support.”

(No. 8.) Was also read. A copy of the last, found on the table, and produced, together with several others, to shew the connexion and system of their correspondence.

[A paper

[A paper marked (F), *Statement of England* was read:]

“ EXCLUSIVE of positive information of the temper of the country, it may be known by people at a distance by the following signs :

“ There are no petitions against the war—There are courtly verdicts given by Juries, with few exceptions—There are no mobs, though much distress—There is much readiness to enlist as soldiers—There is much quietness on being impressed on the part of seamen—The votes of Parliament are almost unanimous, though the Parliament has run through half its length, and the members of the House of Commons look to re-election. The stability of Lord Chatham continues, in default of all his neglects—Terror pervades the friends of liberty, who would soon shew a different appearance, if they were countenanced by the majority of the people—The temper of England is in favour of the first French revolution, but not of the second ; however, on the whole, it shews symptoms of being adverse to the present situation of the war, not from disliking its principle, but from seeing very little profit in it ; at the same time tho’ they think its main object unattainable, namely the overthrow of the present French system—They would be more earnest for peace, had they either suffered enough, or did they think the present French government sincerely disposed to peace. There are many people sincerely attached to the principles of the French revolution in England, if they are counted numerically ; but they are as nothing compared to the great mass of the people who are indisposed to them—In Scotland the proportion of democrats is increasing, but they are as yet a small minority.—Ireland will follow the democracy of Scotland—Each of these countries wants time only to convince itself in its own way, but it will not be convinced by a French invasion. If France were to invade England every man would turn out from good-will or from fear, and the few that are discontented would be quelled with ease, as the French citizens were by La Fayette in Champ de Mars, or the disaffected lately by the Commissioners in Alsace. There could be but one line of conduct for the English to pursue—should the country be invaded—they must defend it.—War being but the means of attaining peace, and the well-meaning among the subjects of the Confederates being told that the French are adverse to peace, or ask such preliminaries that it is in vain to treat with them : It would be highly useful if France, declared after any new successes which she may hereafter obtain—her aversion to conquest—her disposition to peace—her desire that other nations should govern themselves—her determination of changing this system, if the war against her is continued. And it would be useful also, if every convenient opportunity

opportunity were taken, of declaring that her present government is revolutionary, and that the constitution of June last would be acted upon at the peace.—And also if she declared her regret at the necessity of using harsh measures, and now and then employed philanthropic language, which has an astonishing effect in pacifying the English, and indeed pacifying Europe. It would tend much to conciliate the minds of the English, were the Convention to decree the liberation of all the Englishmen now in a state of arrest unaccused of crimes, and restoring to them their property; at the same time allowing them to leave the country within a certain space of time. It would tend also much to create an aversion to the war, were the Convention to decree the terms on which they would make peace.—This conduct would be magnanimous, and if they did not hold out terms extravagant, the people of this country would not hesitate to speak their aversion to a continuance of the war.—It would be very adviseable to have copies of the more important decrees of reports lodged at *Havre*, to be transmitted by neutral vessels for translation.”

[A paper marked (O) was now read, as follows:]

“*W. Jackson, Esq. Hyde's Coffee-house, Dame-street.*”

“Will you be so good as to share my breakfast with me to-morrow, at *nine*, which I am particularly desirous of—as I find a party made for dinner cannot take place. I need not say that by *nine* I mean *nine* or as near it as you can, for I have hopes that a third person will in that case take his share before he leaves town, which I find he is forced to do, in the course of the morning.

*Newgate, April 5, 1794.*

A. Hamilton Rowan.”

[A paper marked (N) was next read, as follows:]

*W. Jackson, Esq.*

“Mr. Tone presents his compliments to Mr. Jackson, and is extremely concerned that indispensable law business hurries him out of town to-morrow morning. He is of course deprived of the honor of attending Mr. Jackson at dinner, but will embrace the first moment of his return, which he hopes will be in a week, to pay his respects to Mr. Jackson.”

“*Tuesday morning.*”

*Mr. Attorney General.* We shall now prove a letter in the hand-writing of Mr. Holford Stone of Paris, To Mr. Horne Tooke, to shew the whole connexion of the foregoing correspondence: which, after some slight objection on account of its not being the best evidence, was read; for it was said there could be no better—Mr. Stone being out of reach of the process of the Court, and even were he not, he could not be examined so as to criminate himself. But at all events, having been found upon the prisoner's table, it was good evidence against him.

“To



" TO JOHN HORNE TOOKE, LONDON."

Paris, 25 Nivose.—Second Year of  
the Republic, one and indivisible.

" My Learned Friend,

" THE circumstances of the two countries, have hitherto prevented me, from giving or receiving any information respecting you, for as there have been few or no other means of corresponding than the post, I have had the traitorous correspondence bill too much before my eyes to hazard your tranquillity, though I had nothing no fear for my own. This however will be delivered to you by a gentleman, a citizen, I should have said, to whom you have been heretofore known, and I introduce him as one who will be able to give you the most accurate information of what is doing, and has been done here; and recommend him also as the person to whom you may confide your own sentiments respecting the state of affairs in this country or your own —As I know that your prudence keeps some pace with your patriotism, you may be satisfied, that I am sure of the principles of the man I thus confidentially introduce to you, and thus much you may repose on me. As to the rest, I leave you to arrange it, wishing myself a third in the party.—And now my patriotic friend, let me offer you my warmest and most heartfelt congratulations on the immense prospect of public happiness which is opening before us. You are amongst the small number of those, who in the worst of times have never despaired of the cause of liberty; and you are the only one, who when the name was but a barbarism amongst us, taught the great principles of sacred equality, which we have so compleatly reduced to practice. I look forward with transport and joy, to the moment when the doctrines which you have preached shall receive their due accomplishment; when the various parties of Ministerialists and Oppositionists, Dissenters and Churchmen, Nobles, Priests and Kings shall sink into one undistinguished mass of ruins, and nothing shall be seen or acknowledged, but the people, the sacred voice of the People.

" The little commission which you gave me to the milliner, I have properly executed; it was to have been sent to the ladies the last spring, but the untowardness of events at that time, hindered the completion of it; and I could not find any one to whom I could properly intrust it, the fashion being a little changed; if nothing unforeseen happens to hinder it, you may hope to have it over in two months at farthest, and under happier auspices than the last spring; since the fashion is so much improved, and I have taken all the precautions, and even more than you entrusted me with

K

at

at Tuffans; but the sending it, as you may suppose, will depend on circumstances.

"I leave to the friend I introduce to you the relation of the history of this country for the last twelve months. You will have fallen into a thousand errors on the subject of our politics, as I, though on the spot, have done; but I think I now see land.—God bless you, we shall meet under happier circumstances than our last, and drink a cool bottle of good Burgundy, under the shade of our trees, an early day in the next summer, if you can spare so much time from your legislative or ministerial avocations."

"HEALTH AND FRATERNITY."

J. H. STONE.

*Mr. Attorney General.* Now offered a witness to support the credit of Cokayne; because upon cross examination it had been attempted to discredit him, by shewing that he had been indicted for perjury.

*Mr. Curran* objected to this, because no witness had been brought to discredit him, and it was to hoop the pitcher; he said, before it was cracked, there was nothing done to discredit him but the asking one question of himself—No man ever heard of a witness to repeat a question; if it was his answer which had impeached his credit, how was it to be set up—was it by calling a witness to contradict him, and to shew that what he said of himself was not true?

*Chief Justice.* You need not trouble yourself. We are of opinion, that this man may be produced upon what you have admitted yourself.—What is it? to produce different witnesses to corroborate the same fact. You asked him whether he was not tried for perjury—he said he was, but that he was acquitted. The jury may believe what he said, or perhaps this witness may agree with you, or perhaps they may be able to shew, that this man is consistent in all he has said. It is but of a piece with what they have been doing all along; giving corroborative testimony.—The objection overruled.

ROBERT MOUNSEY *sworn,—Examined by the SOLICITOR GENERAL.*

Q. Where do you live Sir?

A. In Castle-street, Holborn London.

Q. Of what business are you?

A. An Attorney, and Solicitor of the Law-Courts of Westminster-Hall.

The *Witness* then proved an office copy of an indictment, of an acquittal for the perjury mentioned—said he was present at the trial—had compared the copy, and that it.

it was properly attested by the officer, Mr. Selby; he corroborated what Cokayne had said, of his having declined to avail himself of law objections, but having insisted on being tried upon the merits; and added that—Mr. Impey, the Author of the Book of Practice, and Mr. Lowton, Marshal to Lord Kenyon, and several other gentlemen, as a mark of their friendship, appeared for him.

*Cross-examined.*

Q Did Cokayne ever appear for you, on a trial at Nottingham?

A. No, nor no where.

Q. Did he ever swear for you?

A. No.

Cokayne was then called back, and re-examined by MR. CURRAN,—Said he had lodged at Hyde's in the house with the prisoner—was in the habit of going often into his room.

Q. Did you put any papers there the night before he was arrested?

A. No.

Q Had you any in your hand in that room the day before.

A. I do not know what you allude to.

*Question repeated.*

A. I think I did not.

Q I ask you on your oath, did not you say to some person, that you had these papers in your hands in that room at 12 o'clock on the night before?

A. No.

Q Will you swear that Mr. Cokayne?

A. I will say it again, for I do not think I had.

MR. CURRAN. My Lords, and Gentlemen of the Jury, I am sure that the attention of the court must be a good deal fatigued, and I am sure, gentlemen of the jury, that your minds must be of necessity fatigued. Whether counsel are fatigued or not, is a matter of very little worth.

I am glad that it is not necessary for me to add a great deal to the labour either of the court or of the jury. Of the court I must have some knowledge, of the jury I certainly am not ignorant. I know it is as unnecessary for me to say much (perhaps any thing) to inform the court, as it would be ridiculous, should I affect to lecture a jury of the description that I now address.

I know I am addressing a court anxious to expound with fairness and impartiality, the law of the country, without any regard to the consequences in point of fact, or to the end and policy of any individual prosecution. In the jury I am



Looking to, I know that I am addressing twelve respectable and sensible men of my country, who are as conscious as I can be of the great obligation to which they have pledged themselves: namely, to decide fairly between the king and the person accused, without listening to passion, being swayed by prejudice, or suffering their thoughts to be occupied by any consideration except the weightiness of the charge, and the evidence sworn in support of it. I am speaking to a jury who know as well as I do, that the great object of their duty is to protect the individual who is committed with the crown against all accusation which is not founded in truth. They will remember, I know they will remember, that the great object of their duty is, "to come," according to the words of a late venerated judge of another country, "with minds like white paper, upon which prejudice, passion, or calumny, hope, interest or fear have made no stain or blot;" and that they have come into the box, standing indifferent, as the stood before unsworn.

Gentlemen—In the little, and it shall not be much, that I shall take the liberty of saying to you, I shall not push any argument beyond its intrinsic weight. If I have a bad case, I shall not endeavour to deck it out in colours, or disguise it by concealment. My objections shall be addressed to your reason. I shall not pretend to you, that they are of the most glaring and unanswerable nature. But that weight they have, I only ask of you to give them. If they have not some weight in themselves, it is not a great promise from me that could give them any anticipated sufficiency.

You are empannelled to try a charge. The first question then is—What is that charge? The prisoner is indicted upon two several branches of the statute which inflicts the pains and penalties of High Treason upon two offences which it particularly described. By that statute, if any man should compass or imagine the King's death, he is guilty of the crime. The nature of the offence, if it required any comment upon it, has been learnedly, and candidly, and justly commented on by Mr. Attorney-General in his statement of the case.

The second part of the charge is—That he did adhere to the King's enemies. By the law of this country there are rules peculiarly applicable to cases of high treason, contradistinguished from all other branches of the criminal law. The nature of the offence called for this peculiarity. There is no species of charge to which the innocent man may be with more probability made the object, perhaps the victim of accusation, than offences against the state. There is a natural and laudable leaning attached to the honest feelings of every man who respects that law which secures the property and person of himself and his countrymen, which  
feeling

feeling is wont to warn and alarm the passions, at times perhaps too strongly, against the man suspected of an infringement upon that security. It was therefore to guard the subject against the most dangerous abuse, the abuse of a virtue, that this act of parliament was made so favourable to the subject, inasmuch as it defines strictly and with precision, the offence for which, and by which alone he shall suffer death.

Gentlemen—There is no charge which the baseness of the venal informer can with more hopes of success affix upon this or t'other man, than that he is an enemy to the public peace. There is no case where malice can have any better hope of finding gratification, or greater expectation of reward, or fuller compensation for its turpitude, than by pursuing such an accusation as the present. It was thought necessary for these reasons, to prevent the accused from being made a sacrifice to the indignant feelings of a jury, or the prompt and keen audacity of the hireling informer. How has the legislature done this?—By pointing out, in unequivocal terms, those rules which shall be restrictive on a court and on a jury. The man must be pronounced a traitor, if he commits the crime, but it must be a crime of which he shall be fairly and publicly convicted; an overt-act such as the law has designated to be treason, and by such evidence as the law has made sufficient to substantiate that overt-act. And in order to give an opportunity for such a defence, the leading facts or classes of treason of which he has been accused, shall be stated of record, in the very body of the indictment. Therefore, justly did I hear it observed, that there could never be devised by human wisdom, a mode of trial more fair, more merciful than this.

I have stated to you the foundation of the law, as it stands in this country, touching the mode of accusation and of trial. I have to add, that in Great-Britain it has been found right still further to add to those sanctions, alike created to protect the consciences of the jury, and the safety of the prisoner, by an express statute, enacted in the reign of William the Third; and it is now settled in that country, that no man shall be indicted or convicted for high-treason, unless upon the evidence of two competent witnesses; and the statute describes what sort of evidence that shall be:—either two witnesses, swearing directly to the same overt-act, or else one to one act, and one to another; but in this latter case, the two several facts must not be distinct in their nature, but must be of the very same species of treason. So that to every separate class of treason of which a man is accused, there must be at least two credible witnesses produced, otherwise the man cannot, by  
the

the law, and consequently ought not by the jury, to be convicted.—In England no man can at this day be found guilty, except upon the concurring testimony of two witnesses, credible in their persons, and concurrent in supporting the allegation of one integral and substantive class of treason.

I state it to you, Gentlemen, that that is now the settled law of the neighbouring kingdom:—and I state it to you emphatically, to be the settled law of that country; because, far am I from thinking that we have not the blessings in this country of living under the same protecting sanction of the law; far am I from imagining that the breath which in England cannot so much as taint the character of the accused, shall, because he is in Ireland, blow him from the earth. That he who in Great-Britain would laugh at his accusers, must, because he is to be tried in this country, perish under their accusation. And sure I am, that in a country, where we have had few if any instances of prosecutions for this species of crime to be adduced as authorities against the life, the justice of the court, not merely its humanity, will give the fullest effect to any argument which tends to shew, that the law which takes away the life of man, and which should ever be wise and therefore uniform, is in England and Ireland one and the same.

*Chief Justice.* You mean to argue then that the statute of William the Third is in force in this kingdom?

*Answer.*—I mean to argue, my Lord, that the necessity of two witnesses in any case of treason, is as strong in Ireland as it can be in Great-Britain. It is the opinion of my Lord Coke, founded upon a number of authorities. It is an opinion of Lord Coke, referring to judicial confirmations of established weight, which I conceive not at all shaken by an *abiter* assertion of Justice Foster, nor by any thing to be found in the works of Sir John Hawkins, or any other crown-lawyer. It is laid down by Lord Coke, that by the common law of England two witnesses were necessary\*. One witness was not sufficient to convict any person of high-treason, for where there is but one witness, says he, it shall be tried by the constable and marshal, not at common law.

I consider the statute of Edward the Sixth, as well as that of King William the Third, to have become necessary, from the abuse that had arisen in the exercise and practice of the common law. After the statute of Edward the Sixth, which did declare the necessity of two witnesses, had fallen into disuse, by a gradual departure of the Judges from that statute, and before the enactment of that of William, so far had a constructive departure taken place, that the statute was  
said

\* See 3d. Inst. 96.



said to have been complied with by one witness, as to the fact, and another swearing as to hearsay; it became necessary, not by a new-fangled law, but by a declaration of the great principle of justice, and the common law, to re-enact the principle, and put an end to the abuse of the common law; by saying that no man could be lawfully indicted or convicted without two witnesses, as I have stated. And there seems to be a sound distinction between this and every other crime, for it is the only crime that any subject is specifically sworn not to commit; it is the only offence that a subject takes an oath to abstain from; every other offence is left to be controuled in the first instance, either by the conscience or the feelings of a man; but he is sworn not to swerve from his allegiance to the King. So that in this it exactly resembles the case of perjury, where no man is convicted by a single witness; and why? Because it would be but setting oath against oath; whereas, until the credit of a party is impeached, the oath of one man is of as much avail as is that of another. So in case of a man indicted for high treason, there is on one hand an oath of allegiance of the party, on the other there is a criminating oath of the accuser; so that I believe Lord Coke was well warranted in saying, that this was a rule deduced from general justice, and even from the law of God himself.

Hitherto Gentlemen, I have been (as far as respects this point) stating the matter of law, which I have offered to the Court. But the next question is for *your* consideration solely. Namely, the credit which the witnesses deserve: See then what these witnesses have been. In all cases of every description, the witnesses should be persons unexceptionable in their credit; and the law respecting every species of criminal charge is, that no man shall be found guilty of any offence, but by the testimony of *one credible* witness.

Gentlemen of the Jury, I have submitted my humble idea of the law, and the charge which Mr. Jackson has been called to answer. The overt acts necessary to be proved are these.

1st, "That he did traitorously come to and land in Ireland, for the purpose of procuring and attaining information and accounts of and concerning the situation and dispositions of the subjects of our said Lord the King, of his kingdom of Ireland; and of sending and causing to be sent, such information and accounts to persons exercising the powers of Government in France."

Here Mr. Curran proceeded to read the 2d, 3d, 4th and 5th overt acts, (for which see indictment).

Gentlemen, I have stated five overt acts. You will be pleased to recollect the evidence given by Cokayne,  
in

in which he did not presume or pretend to say, that Jackson came to the kingdom of Ireland for any such purposes, as are stated in the indictment. As to the four naked acts, I have only one observation to press upon you, which is, to beseech you not to confound with the evidence that statement which it was necessary for the learned Counsel to make, in pursuance of the instructions he had received.—Mr. Cokayne met Mr. M'Nally—he had known him in England—Mr. Jackson, the Clergyman, had known him also. He had some private professional business with him. Mr. M'Nally entertains him—he met several persons—they talked of politics—they talked of Ireland—he did not pretend to give any account of any specific subject of conversation—not one tittle of any act of conspiracy, such as is charged to him. He went to Newgate—Mr. Rowan was in confinement there—he sometimes met Jackson; sometimes Mr. Tone. And what passed there? was it to excite any person to make a descent upon this country? Let me remind you, Gentlemen, that it is not what a learned Counsel may have been instructed to state, but what a witness may have sworn, that is to be the ground of your decision. And what has this witness sworn? He did not hear the conversation!—He heard a part of it! Gentlemen, will you make any man answerable with his life for a part of a conversation of which the witness tells you he could hear but a scrap, without even adverting to the qualification which might be afforded, by that part which he says he did not hear? I mean you should take it as he has stated it, high as he was wrought up, and forced on, by the examination. He heard a talk of somebody going to France, to carry some paper to Paris—he knew not what!—He talked of a paper of instructions to the French; what instructions he knew not!—it might be to the manufacturers, it might be to the royalists, or to any other men in France; it might be to the friends of the King of Great-Britain. Not that I mean to say, there is not something suspicious that might excite some doubts or alarms, in having three or four men meeting in Newgate, huddling themselves together in a corner, and talking of going to a country with which we were then at war. Do I mean that there is nothing suspicious in this? No: I am not reasoning so at all. But I am reasoning thus, and I think soundly too: That it is not for you to say, by your verdict, whether an act is or is not suspicious, or may or may not be explained into a crime. Let me remind you, that your verdict is not to establish guilt because it is possible, or more than possible; but that the man is accused, and must be acquitted, unless upon a certainty, and not vague conjectures, you are forced by the strength of evidence to pronounce—that he has merited his death.

I feel

I feel that your verdict will be founded upon nothing less than that resistless testimony, and upon those unalienable principles of law and justice, on which it should be founded.

But what was the fact attempted to be proved? It was to go to France, to carry a paper. I know that this of itself is a crime. To go into France to do any legal act, (and no other this witness has proved) is a crime, subjecting the party to six months imprisonment, or something not exceeding that. But this is the first time I ever heard it contended for, that the encouragement of a person to go there for any purpose of that kind, was a crime, much more high treason. For what purpose he was to go, the witness has not sworn: Yet you are to say, upon your oaths, that it was to invite the enemy by force to effect the subversion of this government. Has the prosecutor sworn any thing like that?—I think not.

The next overt act charged is:—"That he did compose and write a letter to Mr. William Stone, of London; and in that, did direct and instruct the said William Stone, to reveal and disclose to the said persons exercising the powers of government in France, and to the people in France, enemies of the King, a scheme of the said William Jackson, and other traitors," &c\*.

Gentlemen of the Jury, you have heard these letters read; you must of necessity look upon them in one or two important and distinct points of view. The first question to be asked is,—What are those letters? If all the other charges were true, do they sustain the allegation laid? Are they letters requiring Stone to inform the Convention of such a state of this country? Are they such as would invite them to form the plan of an invasion of this country? I know not in what state the property, much more the life of any man can be, if they are always to be at the mercy, and depend upon the possibility, of the accuser's explaining into guilt, the real or pretended circumstances under which he has happened to hold a correspondence at home or abroad. The letters are written apparently upon mercantile subjects. The writer talks of manufactures; he talks of a family law-suit; he talks of the price of articles being changed; and in another letter of differences between families; of overtures to agreement, and disputes to be explained, by some common moderator!

What is the evidence upon which you can be warranted in saying, "manufactures means treason?"—Mr. Nicholas means France?—Your sister-in-law the kingdom of Ireland?" and such like strained and affected inferences. "Danton has been guillotined, but, however, that makes no difference at all

\* See the 6th overt act in the Indictment.



in the firm of the house." The "change of fashions, of manufactures, and prices," stand for every thing else that may be necessary; and thus the treason is made out, and waits for nothing but your verdict to ratify and to confirm it.

Gentlemen of the Jury, give me leave to say—that the most cruel and barbarous consequence would follow from letting in such evidence;—that the idlest correspondence might be strained to any construction; and for that which men had written in the moment of harmless gaiety, they might be obliged to pay the dreadful forfeit of their lives.

But I say, the simplicity and excellence of our law is this:—That a man's guilt shall be proved, and not supposed; and it must not be such proof as is to be elicited by a judge, and depending upon nothing but the recollection or fantastical discretion of the witness, or the credulity of the Jury who are to try the cause.

This letter appears upon the face of it to be a letter of business, concerning family differences. It was only necessary that the parties should be understood to each other. But be that as it may, it would be better, surely, and more consonant to the mild spirit of our laws, to let twenty escape, who may even have had a criminal purpose in writing letters of this kind, than run the risque of the hard precedent which you would establish, if without any evidence you should make the life and character of men fall victims to evidence of this kind, unsupported by any thing that ought to give rational conviction to an intelligent mind.

I do not think it necessary to state minutely the rest of these allegations. The next overt act charged is, a conspiracy and traitorous confederation. I shall now consider, Gentlemen, the evidence by which that charge is supported, which will be the shortest and clearest way of calling your attention. It is supported either by the positive swearing of Cokayne, as to these facts, or by the written evidence, which also turns upon the swearing of Cokayne.

Touching actual conspiracy, he does not venture to swear that he ever heard any conversation that bore any distinct meaning of that sort.—Somebody was to go to France; he did not know for what. He had ideas in his mind, but never from any direct communication. There have been other letters read in evidence, said to have contained duplicates of a sort of representation of the state or supposed state of Ireland. Cokayne says that he got the packet from Jackson; that he wrote the directions. One of them was, I think, directed to some person in Hamburgh; another to some person resident in Amsterdam; these papers were read; they contained assertions, whether true or false I do not think material, respecting the state of this country. If their truth or falsehood had been material, I think  
the

the materiality is in their falsehood. I think the statements in that paper are utterly false. I believe it is known to every man in Ireland, that this country is not in a state that could induce any expectations, or hold out any hopes to the most adventurous and wicked folly, to try the experiment of a descent upon it.

Gentlemen of the Jury, there is a more material thing for your consideration: A paper is stated by the indictment to have been sent for the purpose of exciting and persuading the persons exercising the power of government in France to try the fate of a descent in Ireland, hold out encouragement and draw such a picture of this country as to induce them to make so foolish a trial. Have you evidence to support that charge? You have heard that paper read; suppose it is Mr. Jackson's opinion which he was writing to his correspondent. It may be a foolish opinion, but that is nothing extraordinary.

Have you ever heard six men to speak upon such subjects, and all to agree? can you conceive it an unnatural thing for a man to form an absurd opinion—a man unacquainted with the affairs of Ireland to suppose that twelve men might make a successful descent? Mr. Jackson was abroad; he was a traveller; he was a literary man, in the habits of corresponding: Is it likely that a letter written by him to a man living in a country in actual hostility with France, and in the closest alliance with this country—did it follow that a letter of that kind must have been written with a view to invite the government of a distant country, to make a descent on that in which he was?

But Gentlemen, let me be understood: It is not as a thing impossible that I am arguing this, No; but because the evidence of a man's guilt or innocence may be truly alledged, or it may be falsely alledged:—It is a letter that the most innocent man might write, or that the most guilty man might write; but if it stands in evil scales, merely;—nay more, if the scale of guilt does not greatly preponderate, so as to leave no doubt whatever, he is entitled to your verdict of acquittal. Two letters have been also read, and although it was not expressly said, yet, I own gentlemen of the Jury, I could not persuade myself, that there is not a little too much emphasis laid upon names which I have read in newspapers, but to which I am otherwise a stranger, I have read in newspapers of the name of Laingnelot, in the debates of the Convention;—I have read the name of Mr. Horne Tooke, and Mr. Stone;—I have read that Mr. Horne Tooke was tried in another country, and acquitted—I have heard of another person of the name of Stone being in confinement in England—and of another person mentioned being in Italy. You are to draw no conclusions from such circumstances. There may be  
fifty

fifty persons of such names. But it is the guilt of the man, and not the sound of names, by which his fate is to be governed.

What writings have been read? One paper containing, or seeming to contain the forms of addresses—that has been read. A letter said to come from Mr. Stone, has been read to you. A letter written to Mr. Beresford, and said to be written by Mr. Jackson, has been read to you.

Gentlemen, I have stated the material part of the evidence. I have endeavoured to submit my poor ideas of the rules of evidence by which you ought to be guided, and the rules of law as it humbly strikes me, which ought to govern you in the discharge of the great duty, you are now performing. I see now only one remaining topic on which to trouble you.

It appears to me of the utmost importance, that you should consider who is the man that has been examined to support this charge? One single witness. Have that engraven upon your minds: The chain, in all its parts, can hang only on the evidence of Mr. Cokayne.—There is no other witness of any conversation.—There is not a material letter that has been read in this cause, that does not stand upon the evidence of Mr. Cokayne; and, that I am warranted in this assertion, you will see to demonstration, when I remind the Court, that Cokayne is the only evidence that has been called, as I recollect, to prove the hand-writing of Jackson, the prisoner. He is the only witness that has been called, to prove any circumstance, by which these letters in a criminal view, can affect the person of the prisoner. He was the only man upon whose evidence must rest, either the fact of their being written by Jackson, on the innuendoes imputed to them, for the purpose for which you, the Jury, are to believe that they were sent.

Gentlemen of the Jury, I am scarcely justified in having trespassed so long. It is a narrow case;—it is the case of a man charged with the most penal offence, and by whom?—By one witness: and who is he? A man stating to you that he comes from another country, provided with a pardon for treasons committed, not in Great-Britain, but in this kingdom, here, of Ireland. Have you ever been upon a Jury before? did you ever hear of a man's sacrificing his life, to the law of the country, upon the testimony of a single witness; and that single witness, by his own confession, an accomplice in the crime? What is character made the subject of support? Take his own vile evidence for his character, he was the traitor to his client! and what think you of his character? He was the spy that hovered round  
his



his friend, and snuffed his blood, and coveted the price that was to be given him for shedding it ! He was the man who yielded to the tye of three oaths of allegiance, to watch, and be the fetter of his client:—to earn the bribe of government:—secure, with his pardon already in his pocket. He was to put letters in the Post-Office,—to do what he stated himself pressed upon his mind, the conviction that he was liable to the penalties of treason; and this very act did he do, from the obligation of three oaths of allegiance ! Was he aware of his crime ? His pardon tells it. Was he aware of the turpitude of his character ? Yes. He brought a witness to support it, knowing that it was bad, and came provided with the antidote. And he does not himself deny, that although a jury did not think that his act deserved to be punished as a flagrant perjury, yet he had gone the *moderate length*, to swear the thing that was not true ! This, Gentlemen, was one step at least, towards that profligacy he has since attained. Is it a man of that kind—his pardon in his pocket, his bribe not yet within his pocket, until you by your verdict, shall say he is worthy of it—Is it such a man, whose evidence should take away his fellow-creature's life ? See how he was to be taken care of:—Jackson owed him a sum; he states this to Mr. Pitt; who tells him he shall be no loser. He came over to be a spy—to be a traitor, to get a pardon, and to get a reward; although, if you believe him, it was to be all common acre-able work, to be paid for like all his other ordinary business, by the day, or by the sheet. He was to be paid so much a day for ensnaring and murdering his client and his friend. Do you think the man deserving of credit who can do such things ? No, Gentlemen of the Jury, I have stated the circumstances by which, in my opinion, the credit of Mr. Cockayne should be reduced to nothing in your eyes. But I do not rest there. Papers (and the gentlemen who conducted this business, seemed to lay great stress upon it,) were found in the chamber of the prisoner:—the door was open, and by the by, that carelessness was not an evidence of any conscious guilt.—

The papers were seized. That there were some belonging to Jackson there, is very clear, because he himself expressed some anxiety about papers, which, it has since been candidly confessed by Mr. Attorney General had nothing to do with this day's business. But I return to the credit of Cockayne: I asked him if he had put any papers himself in Jackson's room the night before the arrest?—I asked him whether he had stated to any person that he had?—He answered, No.

Gentlemen

Gentlemen of the Jury, the only witness I will call, shall be to shew that in that Cokayne swore false ; and here, Gentlemen, let me make one observation to you, the strength and good sense of which has occasioned it to be ten thousand times repeated, and which you may have on a higher authority than mine. Where a witness swears glibly thro' a number of circumstances, where it is impossible to contradict, or to impeach him ; if he has with the same confidence asserted any thing wherein it turns out possible, and in which he is contradicted, it ought to damn the whole case that he has sworn to without the danger of detection. He swore to a conversation of Jackson—to what he said—to what he did. He well knew that Jackson never could be a witness to prove the contrary, unless the good sense of this Jury shall enable him to prosecute the perjurer in his turn. But where he speaks to a circumstance, where it is possible to apply proof, it shall be found that there he has forsworn himself. It would be horrible to suppose that the minds of any Jury could be carried away, by giving credit to the testimony of this man. If he has perjured himself in one point, 'tis the key-stone of the arch ; and if you can pluck it from out the fabrick of his testimony, it falls in ruins on his head.

Gentlemen, I will lay that evidence before you. But ere I sit down, permit me to remind you, that if every word that Cokayne swore, was sworn in Westminster-Hall against the prisoner at the bar, the Judges would have said, in point of law—there is nothing for a Jury to decide upon. The evidence stood upon Cokayne only :—there was no second witness :—the letter stood upon his testimony only :—and here your Lordship will please to recollect, that no answer can be drawn from the evidence of Dejan-court to satisfy the requisites of the statutes of treason ; for it was not evidence, either to the same overt act, as affecting Jackson personally, nor of any distinct overt act ; it was merely that kind of evidence, in the abuse of which arose the reason and necessity of the statute. It was about mere concomitant circumstances. The overt act was the writing and putting in the office. That was sworn to by Cokayne, and if Cokayne deserved credit, it would have gone to the establishment of the fact ; but it was no proof of any overt act against Jackson. The notion of the statute is—that the overt act shall be so proved, that either, singly, should be sufficient to establish the point, where in any other case but in treason, both shall be required. The evidence of Cokayne, clearly, would have done that, because it went to say that Jackson had actually given him the letters, and that he had put them in the office. But if that of Dejan-court had stood singly, it could have brought nothing home at all ;—the hand-writing itself was Cokayne's ;—he swore the superscription was his—that he put it in the office.

The

The hand-writing of the inclosure there is no evidence of.—What did Dejan-court say? That he found in the office a letter, which he produced, and which Cokayne said was the letter he put into it. This observation appears to me to gain some additional strength from this question: Why did not the prosecutors examine Mr. Tone? It is said they could not pardon him. My Lords, they could. It was as easy if he was guilty to pardon him, as to pardon Cokayne. Perhaps it may be said the argument turns the other way, and affects the prisoner; because, if he had called Mr. Tone, Mr. Tone would have given evidence for him, without a pardon, even tho' he was guilty. With great respect, I think not: Nor is it to be imputed to the prisoner that he has not armed himself with witnesses. It is publicly known to every man in Court, that he has lain in a prison near twelve months, and has been confined in a gaol from the moment of his arrest. He was not able to procure the attendance of witnesses; a stranger in the land, he could not have known whether some of the persons talked of had ever been in existence.

Gentlemen of the Jury, let me not trespass further:—Let me remind you, that in a criminal case, doubts should be acquittal. Let me remind you, that you are trying a cause upon evidence which at the other side the water would preclude the Jury from a verdict of condemnation. It is for you to put it out of the power of mankind to say, that the evidence which must pass harmlessly over the head of a man in England, should sink him in Ireland:—and that verdict to establish the most penal consequence, shall be so much more easily obtained in Ireland, than in Great-Britain.

*WILLIAM HUMPHRIS, was then called: but he not appearing,*

MR. PONSONBY addressed the Court and Jury.—My Lords, and Gentlemen of the Jury, You must be sensible that Mr. Curran has gone so very fully into my client's case, as to leave me little to say.—Gentlemen of the Jury, The court will tell you, I am sure, that the law of England and of Ireland knows no authority so great, nor so pre-eminent as Sir Edward Coke; I am not afraid of being contradicted, when I say, that in point of learning in his profession, in point of experience, and established reputation as a lawyer, from the day he practised till the present hour, no man has arisen, whose authority holds so just an estimation. And he lays down the law to be: "That no man can be convicted of high treason; but upon the evidence of two credible



credible witnesses at least, to every act, or to every kind of treason." I freely admit that later authorities have held his opinions in that respect erroneous: and that by the common law a man might, by a single witness, be convicted. I admit Judge Foster says so, and Serjeant Hawkins. I admit them both to be authorities; but neither of them do I admit to be so great as my Lord Coke; and he does expressly lay it down, that upon the oath of one witness only, a man shall not be found guilty of this crime. I am ready to read the words in which Judge Foster differs from Lord Coke. He says in his discourse upon high treason. "It hath been generally agreed, and I think upon just grounds, (though Lord Coke advanced a contrary opinion), that at the common law one witness was sufficient in high treason, as well as in every other capital offence\*." Here then, is a difference of opinion, but I believe it will not be denied that Lord Coke's authority did stand higher than that of any other man. But whatever may have been the opinion of Judge Foster, respecting the old common law, who lived and wrote in the time of Geo. I. he was at that time giving an opinion in a case where it was not necessary for him to take the pains of forming any determination at all, and upon a subject which had been buried, and out of the reach of controversy or discussion for four-score years before he wrote his book. But in the act of William, there is a clause resembling that of Edw. III. alike declaratory of the common law, for no man will now say that the statute of treason, the best in our books for the mutual safety of the King and of the subject, is any thing more than a declaration of the antient common law. I say that clause, which does expressly require the oath of two witnesses to convict any man of high treason, was like that of Edw. III. declaratory of the common law. Lord Coke said one witness was not sufficient, other Judges of later times inclined to differ from him, for which reason the statute of Wm. III. was made to confirm that which was the opinion of Lord Coke, and put the matter out of doubt. Whatever might be the opinion amongst Lawyers before, whatever the construction Judges had put upon ancient statutes, it was clear, that from the time of passing the statutes of William, the question was put out of doubt; because two witnesses are by that expressly required to every conviction for high treason; and Justice Foster was giving his opinion in the passage I have quoted, rather as an Antiquarian than a lawyer, for he was examining a subject that never could come into discussion in England, as long as the statute of William remained upon the book.

\* Vid. Foster's Crown Law, 233, and 3 Inst. 26.

Gentlemen,

Gentlemen, If the legislature had not conceived Lord Coke to have been right in the doctrine, why should they have thought it necessary to have passed that act? they could have had but this reason, that if the law was not so it ought to have been so; and that no man ought to be convicted of this crime upon the oath of a single witness. Either the Legislature held that the common law was so; and passed an act to put it out of doubt, or they thought, that ought to be so, and made a statute for the first time, enacting it to be the law of the land. No witness has appeared to you but one. Cokayne is the only that has appeared to you. For as to all the others, they have been examined merely for the purpose of proving the finding of a paper, the delivering of a letter, or the taking of some copy, but none of them has been produced to prove any criminality in the prisoner. The writing is proved only by Cokayne's conversations. In short the alledged treason of this case is proved only by Cokayne. And, gentlemen, it demands a serious consideration,—supposing the law of Ireland to be—that a man may be convicted on the testimony of a single witness, whether Cokayne is such as will justify you in finding any man guilty upon his testimony. By the law of William, in England, there must be two credible witnesses to the same overt act, or two credible witnesses to two overt acts of treason, of the same kind:—for instance, encompassing or imagining the King's death, if that be the treason charged, or of adhering to the enemies, if it be that. But there are here two charges: Do they produce two witnesses to each distinct classes of treason? No, they alledge two distinct species of the offence, and bring one witness to prove them both. In England they must have two witnesses to prove one act of treason, here it seems one witness is enough for two.—And what sort of a witness is he?

See the account Mr. Cokayne has given of himself. He thought the prisoner had some idea of sending prohibited articles to the French, and he came to Ireland to hinder him from so doing! Was there no other way to prevent Jackson from sending prohibited goods, could he not have stopped him in England, and prevented him from coming at all? Was it necessary he should accompany him, that he might intice him to commit the crime, and receive the reward for informing against him. It is plain from his own swearing, that his object could not have been as he has stated, to prevent him from doing any criminal act, which he had in agitation, but to support him in the execution of it,—to betray, and be rewarded for his baseness.

M

I know

I know not in what light to look upon Mr. Cokayne. Shall I call him what in law is termed an approver? Was he in the secrets of the prisoner—did he know of his crime and partake of it—and is he afterwards his betrayer?—It was held for centuries to be the law of England—that no man could be convicted upon such testimony: Later decisions have altered this, and the evidence which was formerly driven from the bar of every court of justice, is now admitted; but it is still considered the most odious, and the weakest evidence; insomuch that there is no judge that will not tell the jury—that the testimony of an approver merely, is the most reluctantly admitted by the law; and there is hardly an instance of any jury convicting a prisoner upon it. Now what is Mr. Cokayne? If he is to be believed, must he not have known of all Mr. Jackson's projects—joined in them, and been criminal, for the purpose of gaining by them? And this witness is the only one that has appeared against the prisoner at the bar. If there were criminal plots carrying on, why not examine some other? Mr. Curran asked properly, if Mr. Tone, and the other persons mentioned, knew of these facts, why they were not produced and examined? If all these stories were true, why did they rest upon the unsupported evidence of Cokayne, when so much better evidence might have been had? For though, if you believe Cokayne, they were equally criminal in the eye of the law, they were not equally odious and base in the eyes of the jury. They would have not only more, but better evidence, they would have that upon which a jury could have rested their conviction. Their pardon would have made them competent, their conduct would not have revolted against their credit. They could not have been charged with any act of treachery, and then the prosecutors would not have been obliged to rest their cause upon that sort of evidence which never was believed by any jury. The gentlemen who conduct this prosecution, are neither so unwise, nor ignorant, as to proceed that way. If they thought these persons had been accomplices, they would either have prosecuted them for their treasons, or have pardoned them, and made them witnesses.

Gentlemen, Mr. Cokayne says—that when these letters were put in, they were not indeed intended to be sent abroad—it was intended that they should never go out of this country: for he had himself taken the means of informing government, and he knew they would be stopped. The indictment says, these papers were intended to be sent out of this country, and were delivered at the Post-office for the purpose of being sent abroad. But he, the witness says, that they were not sent to the Post-office for that purpose: but



but for the purpose of being intercepted. It would be impossible to lay much stress upon Cokayne's evidence, his memory was very dull. He could recollect no word of a single conversation he had been at. He said this thing, thought that—and understood the other;—but he could not swear particularly to any. What is the reason of all this prudery? was it that he was really so scrupulous? No! The object of that hesitation and pretended delicacy was, that when he came to the more determined parts of the case, he might render his impudence more useful. It was for that he put on all that modesty. Do you think that if he had not thought it necessary to obtain his reward, he would have done it.—Do you think that if it was necessary to get that money from Mr. Pitt, which has been promised him “he shall not lose,” he would not have been as determined in one part of the case as in another? As surely gentlemen, as that he would not have sworn at all, if he had not considered Mr. Pitt's promise a better security for his reward, than Mr. Jackson was, for his pretended debt. No reward did he ask but the amount of the debt due to him from the prisoner! He represented it 200*l.* or 300*l.* more than it is, and that was all the reward he wanted from Mr. Pitt! such was the modesty which gives his testimony so great a merit.

The character of Cokayne has been supported by a witness, and given you by himself. Mr. Cokayne was shocked at the idea of being accused of perjury, the bare imputation of which he looked upon as a more disgraceful reproach than betraying his friend into the most desperate crime, and swearing against his life, in consequence of his accompliceship. Such were the sentiments he seemed so proud to declare.

Who is the better man? he who was ashamed of perjury, or he who gloried in murder? For if he knew that Jackson was about to commit such an act, it was murder to join with him, to induce him to complete it; and thereby gain a treacherous reward. This witness brought one from England to establish his character, because he was afraid of the imputation of perjury; but he was not afraid to commit the most horrible of murders, and barter the existence of his friend for money. Thus by passing over sixty miles of water, this excellent person is to take away the life of a man in Ireland; though not one hair of his head in England could he injure!

Gentlemen, the whole of what I say to you is this:—Search well in your own hearts—ask them will they be satisfied upon the oath of such a single witness, to take away the life of any man.

*The Lord Chief Justice* now asked the prisoner, if he had any thing to say for himself, which after some consideration, he declined.

*Mr. Prime Serjeant* then addressed the jury in reply, recapitulating the evidence, and shewing the application of it to the several overt-acts laid, and to the different counts in the indictment. He divided his argument into two branches of enquiry: First, were the facts charged, proved to have been done by the prisoner? Secondly, if so, do they amount to the crime charged? And upon each of these topics he observed at great length, going through the whole of the indictment and the evidence, and making suitable comments as they arose from the subject matter. He particularly adverted to that part of the testimony of Cokayne, which seemed to hint that the signing his examinations was owing to an intimidation from power:—which he answered, by shewing that it was three days after the threat of a committal, that he swore his examinations. During the course of his reply, he often requested the prisoner and the counsel concerned for him, to set him right if he had mistated any thing; for that he never on any occasion had stood forward with more anxiety, to discharge his duty to the public, or had more painful feelings on his mind.

*Mr. Prime Serjeant* was interrupted in his reply by *Mr. Curran*, who apologised for the irregularity of the proceeding, but stated that there was a witness now in court, who had not been within call during that part of the trial when it would have been more proper to have produced him. He was instructed, that his evidence went to a most material point—namely the credit of the principal witness Cokayne; and that therefore he had hazarded this interposition, even at the risk of the animadversions of the court upon himself, for he was sure it would be too humane to visit the transgression upon his client.

*Chief Justice.* It is extremely irregular, and against all precedent, we cannot do it without consent, and the Attorney-General is not in court.

*Mr. Solicitor-General.* I consider myself now, in the absence of the Attorney-General, his representative, and if I had no other reason, I should object to it on account of making a precedent so fatal.

*Chief Justice.* (after conferring with the other judges.) *Mr. Curran* did say, in stating the defendant's case, that the only witness he should call, was a *Mr. Humphrys*. Now, after the close of the evidence, and so many observations made upon it, he produces another. It is extremely irregular, nevertheless if it is very material, my brothers are disposed, and so am I, to grant every possible indulgence.

*John*

*John Watson was then sworn, examined by Mr. CURRAN.*

He had known Cokayne, when he had been a licensed lottery-office-keeper in London, had seen him and heard his character.

*Q.* You have heard his character, was it a good one or a bad one.

*By the Court.* Do you know his general character?

*A.* In his profession, I do.

*Q.* Do you mean Sir, his abilities in his profession?

*A.* No Sir. I mean his practice. I was cautioned against him; and would have nothing to do with him in his private capacity.—He was a compounder of *qui tam* actions and informations.

Further questions were put to him, to prove, whether he spoke of his integrity, or honesty in his practice.—To which he answered, that his only knowledge of the witness, was, in what he had heard respecting his professional character, for he never had employed him himself, and knew nothing of his private or social character; which did not produce any thing further, and Cokayne himself, having left the Court, so that he could not be confronted, *Mr. Mounsey*, the former witness, in support of his character, was recalled and examined by the Solicitor General. Who said he never had heard of any thing amiss in his character; and he thought he should have known it, had there been any thing particularly affecting it.

*Mr. Prime Serjeant* then proceeded in his reply. He said the letters had been put into the Post-Office. They were traced to Jackson, and it lay with him to shew that it was not by his means. He admitted that Cokayne's evidence did not come so fairly, as if it had been unaccompanied with the several circumstances attending it. Yet still he did not see, how, taking the whole of the case together, the most scrupulous man could harbour a single doubt. With respect to the objection, that the prosecutors had not called Tone or Reynolds, he did not conceive they were under any necessity to do so. If the prisoner conceived that their testimony could have been of any use to him, it certainly was as open to him to have produced them.

[*The Editor of this Report, would willingly have given the reply of MR. PRIME SERJEANT'S in full; but that as it consisted chiefly of a repetition of the evidence, and observations arising in course, it would have swelled this work beyond all reasonable bounds.*]

After



After Mr. Prime Serjeant had sat down, the Prisoner made some observations, as to the variance in the name of Mr. Benjamin Beresford, and also touching the constructive and implicative sort of evidence. Being asked, if he would consent to the various papers which had been read, going to the Jury, he expressed his desire that they should, and they were accordingly sent up.

*The LORD CHIEF JUSTICE next addressed the Jury.*

Gentlemen of the Jury, In this case, of the King against William Jackson, Clerk, the indictment is for High Treason, under the 25th Ed. III. Ch. II. which act is considered as the first protection to the subject that ever was passed; for it defines, and precisely ascertains, what shall, and what shall not be called high treason, to affect the subject's life.

The two branches of the statute upon which the indictment is grounded, are:—first, the compassing the death of the King—and secondly, adhering to his enemies. And before I go further, I shall mention one important principle or two, which never have been doubted.

I. That a conspiracy to levy war against the King or his Government, is evidence of compassing his death. That is laid down in all the late crown writers, and upon a review of the subject, in 4 Black. 82. also in 3 Inst. 9. and Foster 212. and 213. The reason justifies the practice, and the principle;—for the probable, if not the necessary result of levying war against the King's Government, is the destruction of the King, or his imprisonment, which leads to it.

II. Giving the enemy intelligence. is evidence of the second branch of this indictment: namely, the adhering to the enemies of the King.

It has been fortunate for this country, although it increases the difficulty of the Judges at this day, that there is scarcely an instance in the recollection of the oldest lawyer in it, of this crime having been committed, and a prosecution for it.—Each part of this indictment charges a clear and simple treason, not constructive nor any way involved. It is laid two ways, either as a compassing the King's death, or adhering to his enemies, a case has been cited from the King's Bench, in England; of the King against Doctor Henfey, who was convicted and received judgment of death. And there Lord Mansfield, by the concurrence of his brethren, as able assistants as the Chief Judge has had at any time, did lay it down, "that conspiring to levy war, is an overt act of compassing the death

death of the King." The meaning of an overt act is, an act done by which the intention is disclosed. An overt act of the intention of levying war, or of bringing war into the kingdom, is settled to be an overt act of compassing the King's death. Soliciting a foreign Prince, even in amity with the King, is such an overt act. "And so, (says Lord Mansfield) was Cardinal Poole's case." And one of these letters is such a solicitation of a foreign prince to invade the realm. "Letters of advice and correspondence, of intelligence to the enemy, to enable them to annoy us, or defend themselves, written and sent in order to be delivered to the enemy, are, tho' intercepted, overt acts of both these species of treason which have been mentioned. And that was determined by all the Judges of England in Gregg's case, (says his Lordship,) where the indictment is much like the present." Then they held that the circumstances of the letters not being delivered did not alter the case; and to justify that, the obvious reason must occur to all your minds: That is—that no person could at any time be indicted, however mischievous the treason, unless the letters had gone to the persons for whom they were intended; in which case the traitor never could be laid hold of, at least until after the evil had been done. I will read another paragraph: "It is for the Jury to consider whether the letters were written by the prisoner at the bar, in order to be delivered to the enemy, and with intent to convey such intelligence as might assist them in carrying on war against us."

I think I have now laid down clear positions, which will direct you as to the point of law, and the object of punishment intended. I shall now state how this indictment is laid, and go thro' the various acts proved to have been done by the prisoner to disclose that intention: for the intention, if manifested by those acts stated, and if you believe the evidence in support of those acts, or any of them, will complete the crime charged against the prisoner at the bar.

I shall endeavour (feeling great difficulty from my own inability at this late hour) to lay before you the impressions on my mind, in such order as I think you will best understand them. It will be your verdict, however, not that of the court. It is our duty to state what the law is. I have done that generally, upon the great point, and have only to add, that the common law of England and Ireland is the same, and by that, one witness is enough, if you believe that witness; if he swears to the facts laid; if they are sufficiently stated to have been his acts; and go to manifest the intention imputed to him. It is the opinion of the Court, that a second, by the common law of Great-Britain and of this kingdom, is not necessary. And the statute of Will. III. which requires two witnesses, is not in force here. That this was the common law, appears to have been the opinion of

of Sir Michael Foster, as high an authority as any other. He states, (p. 233.) that one witness is sufficient, if he has spoken to all material matters. And tho' Serjeant Hawkins is to be considered as a collector, and states many doubts, yet he is one of the most laborious and accurate compilers in the law, and in that view deserving of much credit. Having said so much, let me bring you to the facts stated in the words of the indictment. William Jackson is charged, "that at the time of open war," &c. [His Lordship now, after adducing the authority of Justice Foster, to shew that public notoriety was sufficient proof of an existing war, summed up the evidence with his usual accuracy, leaving no one part of it unobserved upon.]

When his Lordship came to remark upon the letters, read in evidence, he answered the objection of those directed to Amsterdam and Hamburgh not being sent to countries at war, but in alliance with England, by the argument—that from the manner of their enclosure, and the other corroborating circumstances, it was evident they were not intended to rest there; but to be forwarded to some other parts. He next adverted to the circumstance of the outer superscription being addressed to one person, and the enclosure to another. [Here his Lordship was interrupted by the prisoner, requesting that he might have permission to say a few words in explanation of those facts: Which being complied with]

*Mr. Jackson* said, that whoever might have been the writer of the letter his Lordship had observed upon, which was directed Mr. Stone, under cover to Lawrence and Co. there was nothing inconsistent or mysterious in the manner of the address, for that Mr. Stone had a house in the neighbourhood of London, and was partner of a house in town, where his letters were usually directed.—As to the apparent ambiguity of the terms of "Sister-in-law, Law-suit, and Child," it became very plain, when it was known, that Mr. Beresford and his wife had parted many years, and had differences, and that they actually had a child.

*The Chief Justice*, Then went on and said, that it would be for the consideration of the jury, what the meaning of these letters was, and desired that all the letters should be read.—His Lordship then put it to the jury, that if they believed that Jackson did put these letters, or cause them to be put into the Post-office, for the purposes stated in the indictment, they must of course find him guilty. But if they thought, what was in the power of possibility, that this was all a scheme of a wicked man, to entrap and ensnare an innocent man, then they should acquit; and if their minds were suspended in a state of doubt, they should lean to the side of mercy.—

*The*



*The Prisoner.*—There is nothing more within the power of possibility, than that these letters were going, as they *prima facie* purported to be, to neutral ports; and one even in alliance with Great-Britain. There is no evidence to shew, on the contrary, that they were to be forwarded to the French.

*Chief Justice.*—I have stated that more favourably for you than you have done for yourself.

*The Prisoner* then explained the word "*Manufactures*," in the letter to Stone; who, he said, was not only a wholesale merchant, but had erected a steam-engine, and was studying the application of it to manufactures. He explained the signature of "*Popkins*," by saying, that in England, being embarrassed in his affairs, he applied to Cokayne to arrange them, who took a lodging for him by the name of *Popkins*. As to his being an emissary from France, this very circumstance points out the absurdity of it; for it was scarcely supposeable that that great and generous people, as it is represented I called them, would have sent me over here, to bring about an invasion and stir up a civil war in the country, without furnishing me with the means of paying my own debts.

*The Chief Justice* proceeded in summing up the evidence; which having done:—He remarked that Mr. Curran, who stated the prisoner's case, and observed upon the evidence, had said, that a witness would be produced to contradict the testimony of Cokayne; but none was produced.—That when the Prime-Serjeant had gone through half the reply, they desired to call another witness to discredit Cokayne, who when he came, could speak of nothing more than his opinion of Cokayne's professional practice. It was asked—Why was not Mr. Tone called? but the Prime-Serjeant answered, that Tone was not in their power, and if they had him, it might not be proper to examine him, where his evidence might convict himself. His Lordship again repeated his opinion, that two witnesses were not necessary.—The next objection was, that Cokayne was not to be believed upon his oath, and they endeavour to blacken him, by shewing the baseness of his conduct; that he was the attorney and friend of the prisoner, and that it was unnatural for this man to turn against him.

It is for you, Gentlemen of the Jury, to consider whether any person could so well have known what Mr. Jackson was doing as the person concerned for him.—It does not appear he got any money; but still if you do not believe Cokayne, you should acquit the prisoner, although there are many strong circumstances besides: but it is for you to think whether Cokayne deserves credit, from the circumstances of his conduct before and since the time he came from England, and from all the letters and papers produced to you.

I do not care to say much, however it is my duty to say something as to there being no evidence produced for Mr. Jackson. He had been arrested in April, 1794, from that time to this, he had such opportunities as persons in similar circumstances have, and yet no witness has been produced.

*Prisoner.* The last time the prosecutors put off my trial, owing to the non-attendance of Mr. Cokayne, a Mr. Humphreys, and two or three others were here ready to appear for me.—He was to have been here this time also, but being as I understand, Ensign and Pay-Master in the Dublin Regiment, he was unfortunately ordered to the Isle of Man.—He then said that Mr. Keane, his Agent, was in Court, and could contradict that part of Cokayne's testimony, relative to the papers being placed in his room by Cokayne the night before they were seized.

Considerable objections were made to Mr. Keane being examined, at so late a stage of the business, and at a time when Cokayne had actually left the Court; but their lordships at length acquiesced.

*He was examined by Mr. CURRAN.*

*Q.* Had you any conversation with Mr. Cokayne touching any papers left or found on the table, in Mr. Jackson's room?

*A.* I had.—On the day I was employed by Mr. Jackson, Mr. Cokayne called upon me to give instructions for Jackson's defence, and said—"It was rather lucky that these papers, said to be found there, were not in his possession."—Cokayne said he was the friend of Jackson, and dined with me in consequence, and told me that he had these papers, and put them in Jackson's room on the night before they were seized.

*Cross examined by the SOLICITOR GENERAL.*

*Q.* I see you very busy in calling for Mr. Humphreys. Did not you think he was then in the Isle of Man?

*A.* I confess I did not expect that he would have appeared, but he was served with a *Subpœna* by one of my Clerks.

*Q.* Why did not you bring on this evidence before?

*A.* I suggested it to my Counsel who did not think it necessary.

*Q.* Where is Theobald Wolfe Tone?

*A.* I really do not know.

*Q.* Is not he within the process of the Court?

*A.* I believe not.

*Q.* When did you see him?

*A.* About one month ago.

*Q.* Are you acquainted with him?

*A.* I have seen him four or five times.

*Q.* Do you know Hamilton Rowan?

*A.* I

A. I do.

Q. How long was it after Jackson's arrest, that Rowan fled?

A. On the first day of May after.

Q. Did not you hear Mr. Cokayne say, on the table, that Jackson had a letter of Mr. Hamilton Rowan's in his possession. And did you not hear that it was for the same treason that Rowan fled?

A. I could not avoid hearing it, as there were several proclamations out for the apprehending Mr. Rowan for treason.

Q. Where is Captain Lewyn?

A. Mr. Lewyn is in England.

Q. What took him there?

A. He went on business for some relations; but he was in Ireland on the former days appointed for this trial?

Q. Is he not your apprentice?

A. He is.

Q. Why was not Mr. Tone brought here?

A. I cannot tell further than that I heard, that Mr. Tone had made his peace with the Crown, and was not to be prosecuted.

Q. Do you believe that to be the case?

A. I do.

Q. From whom did you hear that?

A. I heard it at a consultation held on Mr. Jackson's business; and therefore I apprehend am not bound to discover my authority.

*Justice Dranes.*—I agree with my Lord Chief Justice upon the law of the case, and I shall not trouble you with any observations upon the evidence.

*Justice Chamberlaine.*—I agree that one witness, by the law of this country is sufficient. For the English statute which makes two necessary is not here in force. With respect to Cokayne's testimony, it has been strongly corroborated, if you believe the letters read to have been transcripts of those written by, or found on him. But it is also most material that the intention was to forward them to the French powers. I think Cokayne's evidence is material to shew that, I mean the conversations held in the gaol. He swears there was a conversation there respecting the sending Tone to take instructions to the French nation. What the instructions were he could not say. He told you that Tone first appeared willing to go: afterwards receded, and then Reynolds was fixed on. That then the prisoner gave Reynolds some encouragement; but not so much as Tone. The truth is, that neither did go; and you will consider whether you can infer that those papers referred to were the instructions found at the Post-office: And also whether, finding that Tone could not go, Mr. Jackson took the means of the Post-office to send the papers. And indeed this part of the case  
is



is relied upon with great sagacity by the prisoner himself. For though he delivered these papers, yet if he did not intend that they should proceed from Hamburgh and Amsterdam to the French powers. (I mean that paper giving a state of the circumstances of this country) Though you should believe that Jackson did commission Cokayne, to deliver them two papers to be sent to the enemy, I think you can make nothing of that overt act. Therefore you will consider whether you ought or ought not to couple the circumstances of Tone and Reynolds having declined to go with the evidence of the papers being found, as stated, you will or will not infer, that he, in consequence of this refusal, adopted the means of the Post-office. It is a matter for your consideration. I throw it out merely as such.

*My Lord Chief Justice*, made some additional observations upon the evidence of Mr. Keane. He said it came at a stage of the business that was very irregular, and could not have the weight it would at any other time, as Cokayne, whose testimony it was to encounter, was not present. With respect to the prisoner's remarks, they were not in general supported by evidence. But wherever they went to explain the writings they ought to be attended to. Out of humanity, his Lordship said, he should forbear to make any comment upon what he had said.

The Jury were out forty minutes, and returned at 4 o'clock in the morning, after a trial of eighteen hours, with the verdict of **GUILTY**:—but recommended the prisoner to mercy.

*Chief Justice*.—Why do you recommend him?

The Foreman mentioned some reasons, such as the prisoner's age, his situation in life, and his sufferings during a long imprisonment.

*Chief Justice*.—Have you no other reason—then it is merely compassion. Have you any doubt?

*Foreman*.—No, my Lord; we have not any doubt.

*Chief Justice*.—Goaler take that man away, and let him be brought up in four days.

His Lordship then complimented the Jury on their conduct and their verdict. It was a century since the country had been cursed with a trial for simple high treason, and he hoped the example would prevent such criminal attempts in future.

The prisoner on this event betrayed no symptoms of emotion, but respectfully bowed towards the Court.

#### THURSDAY, APRIL 30.

THE Court sat at half past 11 o'clock.

The prisoner in pursuance of the rule of Court, being brought up under a guard of soldiers, as formerly; and in irons.

*Clerk*.—Crier, call the High Sheriff. Goaler set the Rev. William Jackson forward. Hold up your right hand, Sir.  
Mr.

Mr. McNally as *amicus curiæ*, in the absence of Mr. Curran and Mr. Ponsonby, desired the caption of the indictment. By the act of Geo. I. the prisoner is entitled to a copy of the *whole* indictment, and it is ruled that that copy should include the caption.

*Chief Justice*.—I see no point of law, nor can I feel any in what you mention. If you got no copy of the indictment; you should have applied for it sooner—you can take no advantage of it, situated as you are at present.

*Mr. McNally*. Mr. Bourne will be so good, to say, whether the caption of the indictment is on the record.

*Chief Justice*.—The record is made up. After some delay, the Court expressed a wish that the Gentlemen who had been assigned as counsel for the prisoner were present, as they were the proper persons to make any motion respecting the prisoner.

Mr. Curran and Mr. Ponsonby were then called, and soon after came into Court.

After some further delay waiting for the ATTORNEY GENERAL,

*Chief Justice*.—The Court has waited a long time for the Attorney General, If he does not come, or some part of the Crown, to pray judgment—the prisoner, in his present situation, cannot be much longer detained in a crowded Court, and must be remanded.

(The prisoner's countenance had been for some time before, and was then so strangely altered as to make it obvious to the Court and by-standers, that he must be in a state of extreme indisposition.)

*Mr. Curran*. My Lord, I apprehend that this is the time, if there be any ground for moving in arrest of judgment, for the prisoner's counsel to make that motion, and then it will be time enough for the counsel for the Crown to see what they will do respecting praying judgment on him :—he has only this day to make any motion.

*Chief Justice*.—The first step in such cases has been, for the Attorney General, or some person for the Crown, to pray judgment.—It was so in the *King v. Hensley*, and other cases.—If this is a case so light as not to deserve the attention of the Attorney General :—But then I would not put it on that ground.—I take it for granted in the sitting of Parliament, and in a season of so much business, the Attorney General may have some other call.

*Mr. Curran*, Then if this indulgence is granted, we have a right to expect that all things should be in the same state as they are, whenever the Court shall think proper to have the prisoner brought up. I speak only between the prisoner, the court, and the record, and not respecting the gentlemen concerned. I only desire that there shall be no alteration

tion in the record. I neither press to postpone nor to hasten: nor do I complain at all of my client being remanded.

*Chief Justice.*—It may be enough then to say, that the court will not be ancillary to putting your client in a worse situation than he is at this day.

At this time Mr. Attorney General came into court, and after apologising for his absence, by stating that he had received the Lord Lieutenant's commands to attend him this morning, at eleven o'clock, and had been detained till now,—prayed judgment on the prisoner.

*Clerk.*—Goaler, set the Rev. William Jackson forward.

The Dominical of the indictment was then read, and he was asked what have you to say, why judgment of death should not be awarded against you, according to law.

*Mr. Curran*—I move the court that the whole of the indictment be read over.

*Mr. Attorney General.*—In the case of McDermot, the same application was made, and the Court delivered their opinion, that the party was not entitled to it.

*Mr. Ponsonby*—That was a case of felony. In treason the prisoner is entitled to a copy of the indictment, with the caption, we wish to have it all read over.

*Mr. Attorney General.*—I acknowledge that they have a right to hear the caption read, because they are entitled to have a copy of it.

The caption was then read as follows:

“ Pleas before our Lord the King, in the King's Court,  
“ the Term of Trinity in the 34th year of the reign of our  
“ Sovereign, Lord George the Third, by the Grace of  
“ God, of Great Britain, France and Ireland King, Defen-  
“ der of the Faith and so-forth. Witness John Earl of  
“ Clonmell, H. and R. Conway, county of the city of  
“ Dublin, to wit. Be it remembered, that on Friday next,  
“ after the morrow of the holy Trinity, in this same term,  
“ before the Lord the King, at the King's court, upon the  
“ oath of twelve Jurors, honest and lawful men, of the  
“ body of the said county of the city of Dublin, is present-  
“ ed in manner following: that is to say.” (*Then follows*  
*the indictment.*)

*Mr. Attorney General*—again objected, that the prisoner had no right to take any advantage now, of the want of a copy of the caption, or of any thing contained in it: he might before pleading have desired a copy it, and it would have been granted.

*Mr. Curran.*—I am one of the counsel assigned by the Court, to assist the prisoner in his defence. There is no doubt that the Act of Parliament gives him a right to have a copy of the whole indictment, and that copy has been held to extend to the caption. It has been the constant usage



to serve the persons accused with a copy of the caption, as well as the indictment, properly so called. (See Justice Foster's, Rep. 3.) But in this case, if I understood the officer, he said there was no caption.

*Justice Downes.*—No : that was not what he said ; he said the caption was no part of the indictment.

*Mr. Curran.*—The prisoner is ready to make an affidavit that he had no copy of the caption. Justice Foster does say, (page 229) that if the prisoner has pleaded without a copy of the caption he is afterwards too late to make any objection, turning upon a defect in the copy ; for by pleading he has acknowledged that he has had a copy sufficient for the purpose. But this prisoner has not been served with any copy at all. If therefore any thing left undone by the prosecutors, of which advantage could be taken, it certainly was not the business of the prisoner's counsel to set it right. It would be an improper thing, and not to be expected. It has been already said, there must be such a record as to warrant the judgment of the Court, and of that record the prisoner should be apprised. The reading of this is a surprise upon the prisoner and his counsel. One objection strikes me upon the reading of it—it does not name the Jurors by whom the indictment was found. The caption in the case of the rebels in 1746, (Vid. Foster's Rep ) does name them. If it appears to the court from any circumstance, that a man has been brought to trial without having had the advantage which the law allows him, for his information and direction, it will then be for the court to consider whether by pleading over in chief, he shall be said to have waived that objection altogether. That he has waived it in part is certainly true, as far as regard the correctness of the copy. But whether it does follow from his pleading over that he has in fact had a copy served upon him, is a matter upon which the wisdom of the court will pronounce judgment, merely upon the ground of an estoppel in pleading.

Your Lordship was pleased to intimate some inclination, to have the prisoner remanded, and brought up on some other day.

*Chief Justice.* No, that was not so.

*Mr. Curran.* I thought it had, my Lord ; however, there is now a reason for that to be done more than at any other time ; for he has been most violently indisposed this entire day ; and is at present in a state that renders all communication between him and his Counsel impracticable. He has every appearance of malady and violent disease. Mr. Curran concluded by praying for a further day,

Mr. Ponsonby followed Mr. Curran. In this and every other case, the names of the Grand Jurors should be set out ; for if it should have been found by persons not legally qualified, it is no bill of indictment. So it strikes my mind at present. I never saw any copy of the caption, nor heard of it till this moment ; therefore pray your Lordships to give us a day to consider further of it.

Mr.

*Mr. Attorney General.* Were I to indulge my own feelings; I should be glad to give the prisoner any time he desires; but I conceive it is such an objection as may create much inconvenience, but can produce no fruit. I request, therefore, that your Lordships will put the Gentlemen to argue their motion, as it is always argued at the time when the prisoner is brought up.

*Chief Justice.* Then what have you to say, Mr. Attorney General; for the Gentlemen on the other side have already stated their reasons in making their objections?

*Attorney General.* I say, my Lord, that it is not in practice what those Gentlemen contend for: This is a record which states, that the Jurors of our Lord the King have found a bill of indictment, the prisoner having it read to him; pleads to it as sufficient. If it is any objection; it is one that would have given him an advantage in pleading; he might have taken advantage of any circumstance affecting the Grand Jury when he was put to plead, or have availed himself of that objection in other stages of the prosecution; but if the names of the twelve Jurors were now spread upon that record, and there was a substantial objection to every man of them, and to the very Sheriff that returned the pannel, after plea pleaded, the prisoner could make no objection: for in the moment that he pleaded, he admitted the competency of the persons finding the bill of indictment, and it would be curious to allow that for error, which, if it were on the record, would not reverse the judgment, nor be allowed for error, whether the caption is taken according to the practice of the Court or not. I say, however for the reasons mentioned, that it is not necessary that it should appear upon the record at this time, The prisoner's pleading to the indictment will not preclude him from any objection, going to shew that the record is such, as judgment cannot be pronounced upon, but it will certainly preclude him from taking advantage of this matter which is not on the record.

*Chief Justice (to the prisoner's Counsel).* My Brothers, and I wish to hear if you have any authority to support your assertion, or if you rest upon what you have already said.

*Mr. Ponsonby.* Then your lordship wilst us to argue it this day?

*Chief Justice.* Certainly.

*Mr. Ponsonby.* Then as to the practice, my Lord, I believe there is no practice upon the subject in this Court; it would puzzle any officer to state the practice, for I do not know that there has been a bill found for high treason, for a thousand years before. I shall next observe that it does appear from Justice Foster's report, that the names of the Grand-Jurors, were upon that occasion set out

out in the caption of the bill of indictment, The Attorney General has been pleased to say, that we by pleading, have cured this defect, but the first principle of the criminal law is, that a verdict cures nothing. The Statute of Jeofails, does not apply to criminal cases, if ever it was an error, it is so still. The question is, whether upon the record, as it stands, your lordships are warranted to pronounce judgment. I hold with submission that you are not, unless it appears that the indictment was regularly taken, and returned as a bill of indictment ought to be.

My Lord, That the name of the Jurors should be set out, is plain, for two reasons: 1st. That the prisoner might have objected to the Jurors, as not being qualified to be Grand-Jurors, or not proper to be on the petty Jury. For without setting them out, it is impossible for the prisoner to know who the persons were that composed it: and those very persons who formed the bill may have been upon the petty Jury, for any objection that the prisoner had it in his power to make against it. Therefore it should appear upon the record, that all these things should have been regularly done. In my apprehension, it is not sufficient to say, that the charges brought against the prisoner, are sufficiently laid in the indictment itself, and the counts of it. It is no answer to say, that we do not object to any of the counts, or to the overt acts, but it is necessary that upon the record itself, as it stands made up, all these things, done previously to the conviction of the prisoner, should be legally done, otherwise the Court cannot pronounce judgment, for it is not upon the indictment that you are to pronounce judgment, but upon the whole record. Suppose there appeared a plain manifest error, palpable and incontrovertible. Will it be argued that the court would be warranted in giving judgment? No!

Mr. Ponsonby afterwards, stated another objection, that though the caption mentioned, that the indictment was found on the oaths of twelve good and honest men, &c. it did not add, as it should regularly have done, that they were sworn to inquire and present, &c.

It appearing obviously to the Court, that the prisoner in the dock, who had from his first coming into Court, shewn symptoms of severe indisposition, was gradually verging towards dissolution:—Lord Clonmell observed, that whilst he was in this state of insensibility, it was impossible he could pronounce the sentence of the Court upon him. If Mr. Justice Foster had not mentioned a like instance of a woman called up at the Old Bailey, humanity would have suggested what ought to have been done.

Mr. Attorney General. I with the state of the man's health was enquired into.

[There being a medical person at hand, (Dr. Waite) he was desired to examine the prisoner's situation, which he did, and reported from the dock that there was very great apprehension of his dying, if he was not instantly removed.

Chief Justice. Let him be sworn.



*Gaoler.* He is a Quaker.

*Chief-Justice.* Repeat an affirmation to him.

Before this was done, Mr. *Thomas Kinsley*, who was in one of the galleries, went into the dock, and having looked at the prisoner, declared his opinion that he was certainly dying. He was then sworn, and examined by the Chief Justice.

*Q.* What profession are you of?

*A.* An Apothecary, my Lord.

*Q.* Are you capable of forming an opinion as to the state of the prisoner's health?

*A.* I think I am, my Lord; it cannot be mistaken. He has all the symptoms of a person on the verge of death.

Upon this the Court made an order that he should be remanded; but this was found impracticable; for before the necessary arrangements could be made for his removal—he expired!

#### FRIDAY, MAY 1.

THIS morning, at 8 o'clock, an inquest was held upon the body of the prisoner, which had remained in the dock during the night, under a strong guard of soldiers. The Court upon its adjournment had recommended this enquiry to the Sheriffs, but declined giving any instructions respecting the manner of holding it, either as to time or place. Mr. *Kemmis*, the Crown Solicitor, attended, assisted by Counsellor *Ruxton*. On the other hand, Mr. *Keane*, the Agent of the prisoner, assisted by Mr. *B. Powell*. Several witnesses were examined. Mr. *Gregg*, the Gaoler of Newgate, said he had seen Mr. *Jackson* the night before, about 9 or 10 o'clock, when he appeared in health.—Yesterday morning, when he went into his room, Mrs. *Jackson* was there. He was sitting, and the witness observed that he looked very ill.—“You are not well, Mr. *Jackson*,” says he.—“No,” replied the prisoner, “I was up at four in order to be ready, that I might not keep the Court waiting.” He asked prisoner whether he had taken any breakfast? who replied, “that he had taken a cup of tea, which always affected his nerves.” On the table was a bowl which seemed to have had tea, and a marchet untouched. He then took up the chamber-pot and vomited; the sweat running down his face beyond any thing he ever saw. Mrs. *Jackson* was folding a cravat. Witness left the room. In about a quarter of an hour, Mrs. *Jackson* came to him, and said, “he was not finished nor cleaned yet.” Witness went up again in about ten minutes—found the prisoner sitting in a chair. Mrs. *Jackson* said, “that she understood that he was to have irons put on him—that it was a sight she could not endure—she was six months gone with child, and the shock might be fatal.” This was about 12 o'clock; she took her leave, and went down. Witness put her into her carriage, and returned to the prisoner, who was sitting up; but his eyes looked very ill. His whole face was incredibly changed. Witness offered him some mint water, and desired him to lie down and compose himself. Witness then saw the Sheriff, and represented to him the prisoner's state of health, which, upon feeling his pulse, he attributed to fear. When prisoner was coming in the carriage with

with the Sheriff, he complained that the curiosity of the crowd hurt his feelings, and leaned backwards to conceal himself. When he came into Castle-street, he exclaimed, "Oh, I am very ill!" When he came into the dock, every body saw how he appeared.—One of the Jury asked if he had vomited in the coach? Witness said not, but that there was some froth in his mouth.

*Cross-examined by Counselor POWELL.*

Said that when the prisoner was told that it was the feelings of his situation that affected him, he answered "No! for that he had bodily illness."

Surgeon *Hume* and Surgeon *Adrien* were both sworn, who after opening the body in the view of the Jury, seemed to have some little difference of opinion as to the certainty of his having died by poison. They both agreed the stomach was very much inflamed. Mr. Hume alledged that no sudden affection of the mind, however it might occasion death, could produce excoriation in the stomach. It was true, he said, that where the subject had died suddenly of the gout, there was often found symptoms of inflation in that part of the stomach, resting upon the gut, particularly when the stomach has been full, but the affection generally commenced in the toe.

He was asked by Mr. Powell, whether this appearance in the stomach might not have arisen from putrefaction, as he had been so long dead? It does not follow from poison that the stomach in particular should putrify. He did not think the poison had passed from the stomach into the remainder of the system. It was probably prevented by spasm from circulating. Therefore the infection was entirely local, and the contents still rested in the stomach. He had known many die from agitation of mind; but then there were no such symptoms. He had been called to persons who had been poisoned by means of copper vessels, but never knew them to die suddenly. They generally vomit for twenty-four hours before death. The usual symptoms resulting from very violent poisons, were extreme distress and agitation of the body, attended with profuse and deadly sweats.—He did not think any man could live two moments with a stomach so affected. Never knew of any dying by metallic poisons without great pain, but knew that laurel water had been taken by Sir Theodosius Boughton, of which he had instantly died, without probably suffering much pain. And upon the whole, gave his opinion that the prisoner's death must have been occasioned by poison.

Mr. *Adrien* was not so certain what the cause of inflammation might be, and thought it possible that the prisoner's death might have happened from very violent agitation.—He said that from the yellow tinge upon his hands, it might appear how great a redundancy of bile had been lodged in the stomach. To this Mr. Hume replied, that this matter did not so much appear to be bile, as the effect of corrosive sublimate, or some such cause, and that violent and sudden agitation did not encrease the secretion of bile, but, on the contrary, obstructed all secretions; and that no stomach could

could contain so much bile, but would have vomited it off, as every person affected by sea-sickness does, whenever any quantity is thrown into the stomach; and further, that bile so far from remaining upon the hands, after washing, would, having the property of soap, assist in cleaning them, and would come off more readily with cold water than with hot.

Mr. Adrien then observed, that the secretion of bile was proved to be very redundant, for there was very near a pint resting in the gall-bladder; but gave due weight to Mr. Hume's reason touching the locality of the affection, and proposed examining further into that fact, which being done, and it appearing that no part of the intestinal canal was affected, these Gentlemen finally agreed—that the death was occasioned by some unusually acrid matter, taken into the stomach.

The principal tendency of the question put by Mr. Powell, was to shew, if possible, that the effects of a metallic poison, which could only produce this excoriation, would have occasioned more anguish and agitation of body, than appeared in the prisoner.

Mr. Gregg was further examined, and said, that the prisoner in the dock several times complained much, and “wished that it was all over!” but witnesses then thought he alluded to the sentence, or execution of it.

#### VERDICT OF THE INQUEST.

“We find that the deceased, William Jackson, died on the 30th of April, in consequence of some acrid and mortal matter taken into his stomach; but how or by whom administered, is to the Jury unknown.”

A small trunk was opened by Sheriff Powell, which had been the property of the prisoner, in which were found his own Answer to Paine's Age of Reason, an elegant miniature picture of his wife, and the following

#### EXTRACTS FROM THE PSALMS:

*Turn Thee unto me, and have mercy upon me; for I am desolate and afflicted!*

*The troubles of my heart are enlarged, O bring Thou me out of my distresses!*

*Look upon mine affliction and my pain; and forgive all my sins!*

*Consider mine enemies, for they are many; and they hate me with a cruel violence!*

*O keep my soul, and deliver me. Let me not be ashamed; for I put my trust in Thee.*

Upon which Counsellor Powell took occasion to remark to the Jury, the improbability that a man, who had employed his last thoughts and his last labours in vindication of the Christian religion, should have put an end to his existence, so incompatible with its principles.

T H E E N D.





